

# PENNSYLVANIA BULLETIN

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Department of Banking and Securities

Department of Community and Economic  
Development

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Labor and Industry

Department of Transportation

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Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Milk Marketing Board

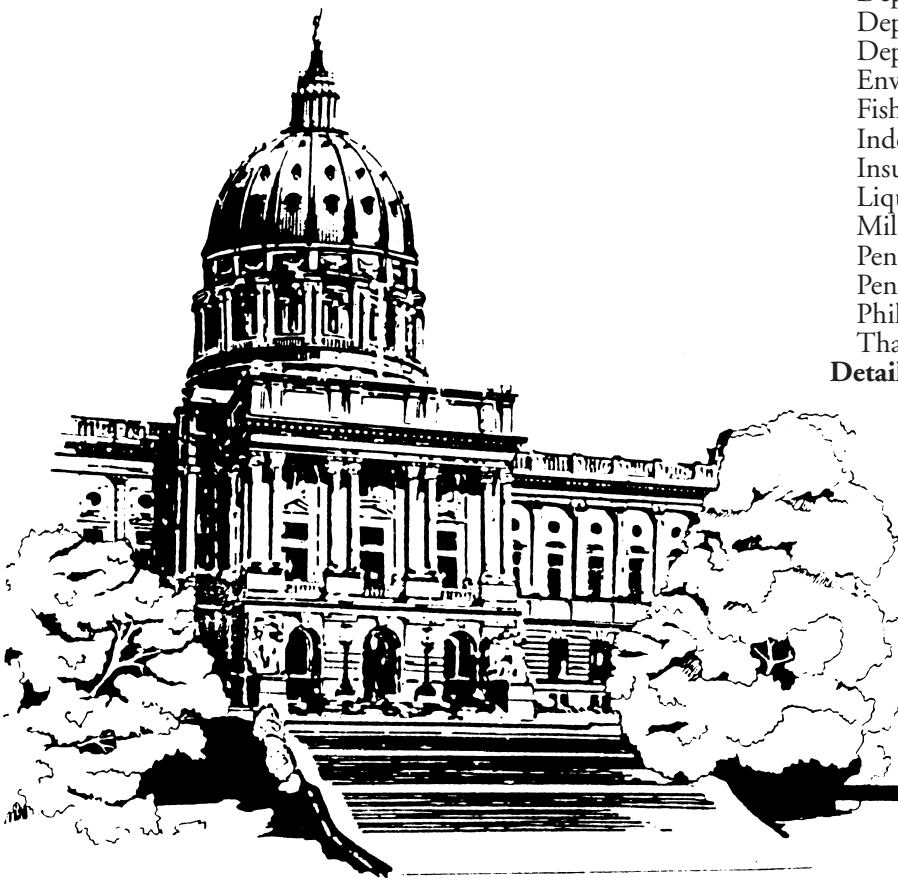
Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

Thaddeus Stevens College of Technology

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 532, March 2019**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

### **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code* § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government.

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

#### *Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

#### *Court Rules in Titles 201—246 of the Pennsylvania Code*

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the change is advertised.

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years. In item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2019.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendment of Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement; No. 175 Disciplinary Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 25th day of February, 2019, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the *Pennsylvania Bulletin*, 48 Pa.B. 6784 (October 27, 2018):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 219. Annual registration of attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$140.00 and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

**Official Note:** Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

\* \* \* \* \*

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys required by this rule to pay an annual fee a notice by e-mail to register electronically by July 1. Failure to

receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

\* \* \* \* \*

(f) Any attorney who fails to complete registration by July [ 31 ] 16 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August [ 31 ] 1, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

\* \* \* \* \*

[Pa.B. Doc. No. 19-315. Filed for public inspection March 8, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rule of Civil Procedure 1920.55-2; No. 374 of 2019 GD

##### Order

*And Now*, this 19th day of February, 2019, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Fayette County Local Rule of Civil Procedure 1920.55-2 is hereby adopted as follows, effective 30 days after publication in the *Pennsylvania Bulletin*.



The Prothonotary is directed as follows:

(1) One copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this order on the website of Administrative Office of Fayette County Courts.

(2) Amend the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,  
President Judge

**Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.**

The master's report, notice, exceptions, and final decree shall be governed by Pennsylvania Rules of Civil Procedure Rule 1920.55-2.

(a) After conclusion of the hearing, the master shall file the record and the report within (i) twenty days in uncontested actions or (ii) thirty days from the last to occur of the receipt of the transcript by the master or close of the record in contested actions; and immediately serve upon counsel for each party, or, if unrepresented, upon the party, a copy of the report and recommendation and written notice of the right to file exceptions.

(b) The timeframe for filing a master's report may be extended only by Court Order.

(c) If the master requires a transcript to aid in the preparation of the report, the master shall file of record in the Prothonotary a notice within five (5) business days from the date of hearing which identifies the assigned court reporter or transcriptionist and the dates of testimony requested.

(d) The court reporter or transcriptionist shall deliver transcripts to the master within thirty (30) days of the hearing.

(e) If a transcript is not delivered within thirty (30) days, the master shall notify the District Court Administrator.

(f) The District Court Administrator or designee shall monitor compliance with the timeframe for transcript preparation and for the filing of the master's report. The District Court Administrator shall notify the appointing Judge of delinquent transcripts or master's reports.

(g) Failure of the master to timely file the report may result in a forfeiture of the master's fee or contempt proceedings.

[Pa.B. Doc. No. 19-316. Filed for public inspection March 8, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rules of Civil Procedure 1920.3, 1920.31, 1920.52, 1920.53(a)(1), 1920.53(a)(2) and 1920.76; No. 374 of 2019 GD

#### Order

And Now, this 19th day of February, 2019, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Fayette County Local Rules of Civil Procedure 1920.3, 1920.31, 1920.52, 1920.53(a)(1), 1920.53(a)(2) and 1920.76 are rescinded, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary is directed as follows:

(1) One copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this order on the website of Administrative Office of Fayette County Courts.

(2) Amend the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,  
President Judge

[Pa.B. Doc. No. 19-317. Filed for public inspection March 8, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rules of Civil Procedure 1920.51(a) and 1920.51(b); No. 374 of 2019 GD

#### Order

And Now, this 19th day of February, 2019, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Fayette County Local Rules of Civil Procedure 1920.51(a) and 1920.51(b) are hereby amended as follows, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary is directed as follows:

(1) One copy of this order shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two copies and CD-ROM of this order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of this order on the website of Administrative Office of Fayette County Courts.

(2) Amend the complete set of Fayette County Local Rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. WAGNER, Jr.,  
*President Judge*

**Rule 1920.51(a). Appointment of Master, Master's Fee, Transcript Costs.**

(a) The moving party shall file a Motion for Appointment of Master and deposit the sum of \$750.00 for the master's services with the Prothonotary prior to the time that a master is appointed.

(b) Subject to the direction of the court, the master shall have procedural and administrative control of the proceedings in regard to the detention of witnesses for examination and the general course of the proceedings. The master shall rule on objections to competency, relevancy of testimony, and admissibility of evidence. If the master sustains an objection, the testimony shall not be heard or reported. Parties may file exceptions to the master's rulings.

(c) The master shall satisfy himself or herself of the jurisdiction of the Court and of the formal sufficiency and regularity of the record. If not so satisfied, the master shall afford the parties an opportunity to make the necessary corrections, and if they are not made within a reasonable time, shall report to the Court for its instruction.

(d) The master shall receive one hundred fifty dollars (\$150.00) per hour for all services including conducting hearings, researching, and writing reports.

(e) To receive compensation, the master shall file:

(1) the report and recommendation or a marital settlement agreement with a statement that the matter has settled;

(2) a proposed order for equitable distribution, if warranted;

(3) a decree for divorce, if divorce is recommended; and

(4) an invoice for services detailing the date and time expended in quarter-hour increments.

(f) Should the master's services exceed the deposit, the master shall petition the Court by routine motion for additional compensation for actual time worked detailing the date and time expended in quarter-hour increments. A petition for additional compensation shall not toll the deadline for the master to file the report.

(g) Unless otherwise ordered by Court, the Prothonotary shall pay no master's fee until the master files the report.

(h) The court reporter or transcriptionist shall abide by the format of transcripts and be paid transcript costs in accordance with Pennsylvania Rules of Judicial Administration Rules 4001 et seq.

(i) In the event that a hearing is canceled by the master with less than twenty-four hours' notice, an appearance fee of seventy-five dollars (\$75.00) shall be paid to the court reporter.

(j) Should the master's services and transcription costs not exceed the deposit, the Prothonotary shall return the balance to the paying party.

**Rule 1920.51(b). Notice of and Time for Master's Hearing.**

(a) The master shall establish a hearing date and give at least ten (10) days written notice of the time and place of all hearings to attorneys of record and unrepresented parties in accordance with Pennsylvania Rule of Civil Procedure 1920.51(b).

(b) Additional hearings before a master shall be concluded within thirty (30) days of the initial date of hearing unless the time is extended by written consent of the parties filed of record in the Prothonotary or by Court Order.

(c) The master shall promptly file notice of all hearing dates and continuances with the Prothonotary.

[Pa.B. Doc. No. 19-318. Filed for public inspection March 8, 2019, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**NORTHUMBERLAND COUNTY**

**Local Rule—N.C.R. 576.1; No. AD-2019-2**

**Order**

*And Now*, this 15th day of February, 2019, the Court hereby adopts Northumberland County Local Rule of Criminal Procedure 576.1: Electronic Filing and Service of Legal Papers. This Rule shall be effective April 1, 2019.

The Northumberland County District Court Administrator is directed as follows:

(1) File one (1) copy of this rule and the Administrative Order with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(2) File two (2) paper copies and one electronic copy of the Administrative Order with the Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) copy with the Northumberland County Law Library and the Editor of the *Northumberland County Legal Journal*.

(4) Publish a copy of the Administrative Order with Local Rule on the web site of Northumberland County.

(5) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that a copy of the Local Rule shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

*By the Court*

CHARLES H. SAYLOR,  
*President Judge*

**Rule N.C.R. 576.1. Electronic Filing and Service of Legal Papers.**

A. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Northumberland County, the 8th Judicial District, as of March 13, 2017. The Administrative Office of Pennsylvania Courts and the

judicial district of Northumberland County have agreed upon an implementation plan for PACFile in Northumberland County.

B. The electronic filing of motions and other legal papers in the Northumberland County Court of Commons Pleas-Clerk of Courts is authorized as specifically provided in this rule. Parties shall electronically file documents using the PACFile electronic filing system developed by the Administrative Office of the Pennsylvania Courts. The application of general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

C. *Legal Papers Defined.* The “legal papers” which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, except for the following:

1. Applications for a search warrant;
2. Applications for an arrest warrant;
3. Grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
4. Submissions filed ex parte as authorized by law and
5. Submissions filed or authorized to be filed under seal.

D. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

E. Applicable filing fees shall be paid electronically through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or established by a published fee schedule.

F. A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.

G. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

#### H. *Service of Legal Papers.*

a. Attorney or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

b. Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices must be served in accordance with Rule 576: Sheriff, Probation Services, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

This rule shall be effective thirty (30) days from the date of publication.

[Pa.B. Doc. No. 19-319. Filed for public inspection March 8, 2019, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated February 21, 2019, Sheila K. Younger-Halliman (# 52234) is Suspended on Consent from the Bar of this Commonwealth for a period of one year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-320. Filed for public inspection March 8, 2019, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 830 ]

#### Multiuse Computing Device Gaming Provisions; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its specific authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds temporary regulations regarding interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area in this Commonwealth as set forth in Annex A.

#### *Purpose of this Temporary Rulemaking*

This temporary rulemaking sets forth the rules and regulations regarding interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area in this Commonwealth.

#### *Explanation of Chapter 830.*

Chapter 809 (relating to interactive gaming platform requirements—temporary regulations) addresses all aspects of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area. The issues addressed include Board authorization; airport authority agreements; petition requirements and standard of review; taxes and fees; licensure requirements; platform requirements; accounting and internal controls; eligible passengers, accounts, funding of play and withdrawals; compulsive and problem gaming; and commencement of gaming operations.

#### *Affected Parties*

Any entity that operates interactive gaming in this Commonwealth that chooses to also offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, as well as any entity or individual that will interact with multiuse computing device gaming in this Commonwealth will be affected by this temporary rulemaking. This temporary rulemaking provides interested parties information relative to all aspects of multiuse computing device gaming in the Commonwealth.

#### *Fiscal Impact*

#### *Commonwealth*

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board or on other Commonwealth agencies. Impact should be confined to the personnel expenses related to implementing these rules as well as continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

#### *Political Subdivisions*

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding mandated by the act of January 7, 2010 (P.L. 1, No. 1).

#### *Private Sector*

This temporary rulemaking includes rules regarding platform operations in connection with interactive gaming in this Commonwealth. It is anticipated that this temporary rulemaking will have an impact on those individuals seeking to operate a platform in connection with interactive gaming through multiuse computing devices in a qualified airport in an airport gaming area in this Commonwealth and those individuals seeking to provide services to platform operators. The fiscal impact to the parties will be offset by revenues collected through the play of interactive games.

#### *General Public*

This temporary rulemaking will not have direct fiscal impact on the general public.

#### *Paperwork Requirements*

Interactive gaming certificate holders, interactive gaming operators, concession operators, and individuals and entities providing service to those entities in connection with platform operations will be required to generate and maintain various types of information relative to the platform operation, including but not limited to, access logs, revenue information and patron complaint records. Interactive gaming certificate holders or an interactive gaming operator acting on behalf of an interactive gaming certificate holder will also be required to file a petition for authorization to offer multiuse computing device gaming, in addition to applications for licensure of principals, key employees and other interactive gaming employees.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-222.

#### *Contact Person*

The contact person for questions about this temporary rulemaking is Chad W. Zimmermann, Esq., Assistant Chief Counsel, (717) 265-8356.

#### *Regulatory Review*

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations in order to facilitate the prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 830.1—830.11 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

(4) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire March 9, 2021.

DAVID M. BARASCH,  
*Chairperson*

**Fiscal Note:** 125-222. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart L. INTERACTIVE GAMING**

**CHAPTER 830. MULTIUSE COMPUTING DEVICE GAMING PROVISIONS—TEMPORARY REGULATIONS**

Sec.	Scope.
830.1.	Board authorization required.
830.2.	Airport authority or concession operator agreements.
830.3.	Multiuse computing device gaming petition and standards of review.
830.4.	Multiuse computing device gaming fees and taxes.
830.5.	Licensure requirements.
830.6.	Multiuse computing device and gaming platform requirements.
830.7.	Multiuse computing device gaming accounting and internal controls; required reports.
830.8.	Eligible passengers; accounts; funding of play; withdrawals.
830.9.	Compulsive and problem gaming; self-exclusion.
830.10.	Commencement of multiuse computing device gaming.
830.11.	

**§ 830.1. Scope.**

The purpose of this chapter is to govern the operation of interactive gaming at qualified airports through the use of multiuse computing devices in this Commonwealth. The provisions of 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse Development and Gaming Act) as amended by the act of October 30, 2017 (P.L. 419, No. 42), and the Board regulations promulgated thereunder shall apply when not in conflict with this chapter.

**§ 830.2. Board authorization required.**

(a) Upon petition, the Board may authorize an interactive gaming certificateholder to provide for the conduct of interactive gaming, directly or indirectly through an interactive gaming operator under an interactive gaming

agreement, at a qualified airport through the use of multiuse computing devices by eligible passengers in an airport gaming area.

(b) If the interactive gaming certificate holder intends to operate interactive gaming at a qualified airport through the use of multiuse computing devices under an interactive gaming agreement, the interactive gaming operator that is party to the interactive gaming agreement shall have been issued an interactive gaming license or will be issued an interactive gaming license prior to the commencement of operations.

(c) The interactive gaming agreement shall be subject to the review and approval of the Board.

(d) The interactive gaming certificate holder or interactive gaming operator may only offer on the interactive gaming system on the multiuse computing devices the categories of interactive gaming it has been authorized to offer under 4 Pa.C.S. § 13B11(a.2) (relating to authorization to conduct interactive gaming).

**§ 830.3. Airport authority or concession operator agreements.**

(a) Prior to petitioning for authorization from the Board an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall have in place an agreement as follows:

(1) For the conduct of interactive gaming at a qualified airport which is located partially in a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with either the airport authority or its designee or a concession operator, except that, if the written agreement is with a concession operator, the airport authority or its designee must have approved or consented to lawful gaming within the airport gaming area through the concession operator's concession contract, and the airport authority must have received a copy of the written agreement with the certificate holder or the interactive gaming operator.

(2) For the conduct of interactive gaming at a qualified airport which is not located partially within a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with the airport authority or its designee.

(b) The written agreement shall be subject to the review and approval of the Board.

**§ 830.4. Multiuse computing device gaming petition and standards of review.**

(a) An interactive gaming certificateholder or interactive gaming operator on behalf of an interactive gaming certificate holder seeking to offer interactive gaming at a qualified airport through the use of multiuse computing devices in this Commonwealth that satisfies the requirements in 4 Pa.C.S. § 13B20 (relating to authorization) may petition the Board for authorization in accordance with this chapter.

(b) The petition filed by an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall comply with the requirements of 4 Pa.C.S. § 13B20(c) and shall be in a form as proscribed by the Board.

(c) The Board shall approve the petition submitted under subsection (a) upon review and approval of the

information submitted under subsection (b) and a determination by the Board by clear and convincing evidence that:

(1) The interactive gaming certificate holder and the interactive gaming operator, if applicable, have paid all required fees and taxes payable.

(2) The interactive gaming certificate holder, or the interactive gaming operator, as the case may be, possesses the necessary funds or has secured adequate financing to commence the conduct of interactive gaming at the qualified airport.

(3) The proposed internal and external security and surveillance measures at the qualified airport and within the airport gaming area are adequate.

(4) Interactive gaming at the qualified airport will be conducted and operated in accordance with this chapter.

**§ 830.5. Multiuse computing device gaming fees and taxes.**

(a) Upon authorization from the Board to conduct interactive gaming at a qualified airport through the use of multiuse computing devices, an interactive gaming certificate holder or interactive gaming operator shall pay a one-time, nonrefundable fee, which upon receipt by the Board shall be deposited in the General Fund.

(b) The amount of the authorization fee paid shall be as provided for in 4 Pa.C.S. § 13B20.3 (relating to fee).

(c) An interactive gaming certificate holder or interactive gaming operator authorized to conduct interactive gaming at a qualified airport shall report to the Department of Revenue and pay the multiuse gaming device tax and multiuse gaming device local share assessment as required by the Act on the gross interactive airport gaming revenue from multiuse computing devices in qualified airports.

**§ 830.6. Licensure requirements.**

(a) Any interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier or interactive gaming service provider seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, certification, registration or other authorization from the Board to participate in interactive gaming in accordance with Chapters 803 and 805—807. For purposes of this section, a concession operator shall be licensed as an interactive gaming supplier.

(b) Any interactive gaming principal, interactive gaming key employee or interactive gaming employee seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, permit, registration or other authorization from the Board in accordance with Chapter 808 (relating to interactive gaming principals and key, gaming and nongaming employees—temporary regulations).

(c) Any employee of a concession operator as defined in the Act and this subpart whose job duties include oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices at a qualified airport, including but not limited to handling player complaints, providing player assistance or supervising play on the multiuse computing devices, must be licensed as an interactive gaming employee.

(d) The Board may, in its discretion, determine at any time that other entities or employees not described in the

preceding subparagraphs shall be licensed, permitted, certified, registered or otherwise authorized by the Board.

**§ 830.7. Multiuse computing device and gaming platform requirements.**

(a) A multiuse computing device must:

(1) Be located and accessible to eligible passengers only in an airport gaming area.

(2) Allow an eligible passenger to play an authorized interactive game. To ensure the multiuse computing device is operated only by an eligible passenger, the device shall provide for verification of age and passenger status through automated means on the device, unless otherwise approved by the Board.

(3) Be approved by the Board.

(4) Communicate with a server that is in a location approved by the Board.

(5) Have the capability of providing all necessary reports for calculation of gross interactive airport gaming revenue as required by the Department.

(6) Be tethered or otherwise secured in a manner to prevent removal from the airport gaming area.

(7) Offer a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(i) An interactive gaming certificate holder, interactive gaming operator or concession operator may restrict access to other interactive gaming web sites in the Internet browsing function on the multiuse computing device.

(ii) An interactive gaming certificate holder, interactive gaming operator or concession operator shall not, acting directly or indirectly in concert with an airport authority or other entity, restrict access to other interactive gaming web sites on public wireless Internet offered to persons at a qualified airport.

(8) Be equipped with software or a program that would allow an authorized onsite interactive gaming employee to temporarily disable the device or terminate an interactive gaming session.

(b) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing gaming devices at a qualified airport shall be subject to the requirements set forth in Chapters 809 and 810 (relating to interactive gaming platform requirements; and interactive gaming testing controls—temporary regulations) as they relate to the conduct of interactive gaming through the use of multiuse computing devices.

(c) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport shall not be subject to the requirement of section 809.7 (relating to geolocation requirements).

**§ 830.8. Multiuse computing device gaming accounting and internal controls; required reports.**

(a) The interactive gaming certificateholder or interactive gaming operator offering interactive gaming through multiuse computing devices at a qualified airport in an

airport gaming area shall be subject to the requirements of Chapter 811 (relating to interactive gaming accounting and internal controls—temporary regulations).

(b) If applicable, the internal controls shall include protocols and procedures for the involvement of a concession operator and its employees in the offering of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, including but not limited to licensure of employees, account funding and withdrawals, handling player complaints, providing player assistance, supervising play on the multiuse computing devices or other items the Board may request be included in the internal controls.

(c) The interactive gaming system used to offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be designed to generate reports as specified by the Board which comply with the requirements of § 811.9(a)—(c) (relating to required reports; reconciliation).

**§ 830.9. Eligible passengers; accounts; funding of play; withdrawals.**

(a) Prior to engaging in interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player shall be verified as an eligible passenger, as defined in this subpart, by automated means provided on the multiuse computing device, or as otherwise approved by the Board.

(b) An eligible passenger shall create an account with the interactive gaming certificate holder, interactive gaming operator or concession operator, which shall last for the duration of the player’s interactive gaming session and the withdrawal of the player’s winnings, if applicable.

(i) If a player has established an interactive gaming account under Chapter 812 (relating to interactive gaming player accounts—temporary regulations) with an interactive gaming certificate holder or interactive gaming operator who also offers interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player may use his or her established interactive gaming account to engage in interactive gaming on the multiuse computing device.

(c) A player’s account may be funded through the use of all of the following:

- (1) A player’s credit card or debit card, including prepaid cards.
- (2) A player’s reloadable prepaid card.
- (3) Cash complementaries, promotional credits or bonus credits.
- (4) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder, interactive gaming operator, or concession operator has security measures and controls to prevent ACH fraud.
- (5) Any other means as approved by the Board.

(d) An interactive gaming certificate holder, interactive gaming operator or concession operator shall establish protocols for players to withdraw funds at the end of the player’s interactive gaming session in accordance with its approved internal controls.

(e) Funds may be withdrawn from the player’s account at the end of the interactive gaming session through the use of all of the following:

- (1) The issuance of a check from the interactive gaming certificate holder, interactive gaming operator or concession operator.
- (2) Transfer to a player’s reloadable prepaid cash card.
- (3) Transfer directly to the player’s individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder, interactive gaming operator or concession operator verifies the validity of the account with the financial institution.
- (4) Any other means approved by the Board.

**§ 830.10. Compulsive and problem gaming; self-exclusion.**

(a) Any interactive gaming certificate holder or interactive gaming operator seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport in an airport gaming area shall comply with the provisions of Chapters 814 and 815 (relating to compulsive and problem gambling requirements—temporary regulations; and interactive-gaming self-excluded persons—temporary regulations).

**§ 830.11. Commencement of multiuse computing device gaming.**

(a) Prior to the commencement of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, an interactive gaming certificate holder or interactive gaming operator licensee shall submit all of the required information set forth in § 818.2(a) (relating to commencement of operations generally), excluding the Geolocation compliance information from § 818.2(a)(8)(ii).

(b) Prior to commencement of operations, the interactive gaming certificate holder’s, interactive gaming operator’s or concession operator’s interactive gaming principals, interactive gaming key employees or interactive gaming employees shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(1) At all times when interactive gaming through the use of multiuse computing devices at a qualified airport in an airport gaming area is offered, the interactive gaming certificate holder, interactive gaming operator or concession operator shall have an adequate number of interactive gaming employees onsite, based upon quantity of multiuse computing devices available for use and the dimensions of the airport gaming area, at a number to be approved by the Board to handle matters related to the oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices, including but not limited to player complaints, providing player assistance or supervising play on multiuse computing devices.

(2) If at any time it appears or is reported to an interactive gaming employee or employees that the multiuse computing device is being operated in violation of this chapter and this subpart, the interactive gaming employee shall terminate the interactive gaming session, with such procedure for termination to be detailed in the internal controls.

(c) Prior to commencement of operations, the interactive gaming certificate holder, interactive gaming operator or concession operator licensee shall ensure that new and existing employees of the interactive gaming certificate holder or interactive gaming operator, and employees of the concession operator licensed by the Board, are regularly informed about the restrictions in § 808.1(g) (relating to general provisions), restricting the placement wagers on the interactive gaming sites offered by or

associated with the interactive certificate holder, interactive gaming operator or concession operator.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator licensee shall have successfully completed a test period.

[Pa.B. Doc. No. 19-321. Filed for public inspection March 8, 2019, 9:00 a.m.]

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# PROPOSED RULEMAKING

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 5 ]

### Proof of Recycling

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend the title of Subchapter D (relating to maintenance of the licensed premises) in Chapter 5 and add § 5.43 (relating to proof of recycling) to read as set forth in Annex A.

#### Summary

Section 491(5) of the Liquor Code (47 P.S. § 4-491(5)) requires restaurant, hotel and club liquor licensees to break any package that contained liquors within 24 hours after the package has been emptied. The purpose for this requirement is to prevent the fraudulent reuse of liquor packaging.

There are two exceptions to the requirement to break the package: 1) the package is one that the Board determines to be decorative; or 2) the licensee participates in either a municipal recycling program or a voluntary recycling program.

The Pennsylvania State Police, Bureau of Liquor Control Enforcement, which is responsible for the enforcement of the Liquor Code, may demand that a licensee provide “proof in writing” if the licensee claims to be participating in a recycling program. Id. This proposed rulemaking establishes what constitutes “proof in writing.”

The web site for the Department of Environmental Protection provides information on recycling in this Commonwealth:

Statewide recycling in Pennsylvania began in 1988 with the Municipal Waste Planning Recycling and Waste Reduction Act (P.L. 556, No. 101) (“Act 101”) that requires larger municipalities to recycle.

Today, more than 11.6 million residents [—] at least 94 percent of the state’s population [—] have access to recycling. About 79 percent have convenient access to recycling through about 1,050 curb-side pickup programs. Since Pennsylvania is largely rural, 870 drop-off programs extend recycling to the greatest number of communities.

*Act 101 also requires each county to develop county plans to manage its own wastes and assure a minimum of ten years disposal capacity.*

<https://www.dep.pa.gov/Business/Land/Waste/Recycling/Pages/default.aspx> (emphasis added).

In developing this proposed rulemaking, the Board researched the recycling program for each of the 67 counties, to ensure that licensees throughout this Commonwealth would be able to meet the requirements of this proposed rulemaking. The research showed that licensees have several different options to establish proof in writing that they are participating in a recycling program no matter where they are located.

This proposed rulemaking adds section 5.43 to Subchapter D, which has been renamed “Maintenance of the License Premises” to more accurately capture the topics covered in the subchapter. Subsection (a) is based on the text of section 491(5) of the Liquor Code and is included to provide a frame of reference for the regulation.

Subsection (b) requires a licensee to “deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement. . . .” The reason for this is to prevent the fraudulent reuse of liquor packaging, which is also the reason for requiring a licensee to break any packages that are not being recycled. Packaging that is not broken may be taken by someone, whether at curbside or at a recycling drop off location, who then refills the package and passes it off as genuine. Therefore, to thwart this type of fraud, licensees are required to deface the labels of liquor packaging that is being recycled.

Subsection (c) sets forth the documentation that licensees must keep as “proof in writing” of participation in a recycling program. Paragraph 1 requires a licensee to have, as a threshold element, written proof that the county recycles the type of material, such as glass, that the licensee is recycling. This proof can be a pamphlet or printed pages from the recycling program’s web site or something similar.

Subsection (c), paragraph 2 pertains to licensees that have their recycling picked up at the curb. These licensees must retain a copy of the receipts, bills or invoices paid by the licensee when it pays for a municipal or private entity to pick up its recycling.

Subsection (c), paragraph 3 pertains to licensees that must take their recycling to a drop off location. There may or may not be a person staffing the drop off location; so, in consideration of that fact, the “proof in writing” documentation does not require corroboration from the township or municipality. This proposed rulemaking includes a simple form that the licensee is required to keep and record what was delivered to the drop off location and when.

In addition to the form, paragraph 3 requires the licensee to keep a choice of two of the following items:

- The name, location and hours of operation of the recycling facility where licensee disposes recyclable materials.
- A copy of the recycling registration or documentation required by a municipality.
- A municipal waste newsletter or circular.
- An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable materials may be dropped off.
- Municipal recycling maps of drop-off locations for recyclable material.
- A municipal recycling collection schedule or calendar.
- Other printed or online materials provided by a municipality regarding municipal waste management.

The intent behind this requirement is to ensure that the licensee has made the effort to become informed as to how to recycle in the county. Although independent corroboration is preferred, in many rural areas, it is impossible to obtain.

Finally, subsection (d) requires the “proof in writing” to be kept for a period of 2 years, in conformance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

#### *Affected Parties*

The affected parties include restaurant, hotel and club licensees; there were approximately 14,000 of these licensees as of January 4, 2019. The members of the regulated community will benefit from the guidance and clarity provided by this proposed rulemaking.

#### *Paperwork Requirements*

This proposed rulemaking imposes minimal paperwork requirements on those licensees who recycle packages that previously contained alcohol. This proposed rulemaking is intended to provide guidance as to what constitutes “proof in writing” of participation in a recycling program without creating a burden for licensees.

#### *Fiscal Impact*

This regulatory change is not expected to have any measurable fiscal impact on the regulated community, State government or local governments.

#### *Effective Date*

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel; or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission’s (IRRC) web site. Personal information will not be redacted from the public comments received.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 21, 2019, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommenda-

tions or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

TIM HOLDEN,  
*Chairperson*

**Fiscal Note:** 54-93. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 40. LIQUOR**

### **PART I. LIQUOR CONTROL BOARD**

#### **CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES**

##### **Subchapter D. [ SANITARY CONDITIONS AND LIGHTING AND CLEANING OF MALT OR BREWED BEVERAGE DISPENSING SYSTEMS ] MAINTENANCE OF THE LICENSED PREMISES [ SANITARY AND LIGHTING CONDITIONS ]**

*(Editor’s Note: The following section is proposed to be added and printed in regular type to enhance readability.)*

#### **§ 5.43. Proof of recycling.**

(a) Under section 491(5) of the Liquor Code (47 P.S. § 4-491(5)), restaurant, hotel and club liquor licensees are required to break any package in which liquors were contained, except those decanter packages that the Board determines to be decorative, within 24 hours after the contents of the package have been removed, unless the licensee participates in either a municipal recycling program or a voluntary recycling program.

(b) If a licensee participates in a recycling program, the licensee must deface, prior to recycling, the labels of all packages that are not broken. The labels must be defaced with a permanent marker or some other, similar, permanent defacement that will discourage the theft of the bottles for unlawful re-use.

(c) The licensee shall provide proof in writing of participation in such a program upon demand of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police. This subsection establishes what constitutes “proof in writing.”

(1) The licensee must be able to provide written proof that the municipal or voluntary recycling program accepts the kind of materials (such as glass) that licensee recycles. This written proof may be a pamphlet or printed pages from the recycling program’s web site or something similar.

(2) If the licensee pays for a municipal or private entity to pick up its recycling, the licensee must retain a copy of the receipts, bills or invoices paid by the licensee to the municipal or private entity as “proof in writing.”

(3) If the licensee voluntarily participates in a recycling program by taking recyclable materials to a drop off location, the licensee must maintain, for each calendar year, a statement in the following format and completed with details of its voluntary recycling:

PROOF OF RECYCLING

The form is to be completed and maintained as a record by a licensee that participates in a municipal or voluntary recycling program by taking recyclable materials to a drop off location:

Name and address of the licensee				
What materials do you recycle?				
How frequently are recyclables removed from the premises?				
How are recyclables removed from the premises?				
Where do you take the recyclables (Name and address of drop off location)?				
Record below, for each delivery of recyclable materials, the following information:				
<i>Date of delivery</i>	<i>Time of delivery</i>	<i>Delivered by whom (Please print)</i>	<i>What was delivered</i>	<i>Approximate weight or quantity of materials</i>

I, the undersigned, hereby verify the information provided above is true and complete to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

\_\_\_\_\_  
Signature of Licensee Representative

\_\_\_\_\_  
Date

(4) In addition to the form required by subsection (c)(3), a licensee who takes recyclable materials to a drop off location must also keep a copy of at least two of the following records from the municipality with oversight of the drop off location:

- (A) The name, location and hours of operation of the recycling facility where licensee disposes recyclable materials.
- (B) A copy of the recycling registration or documentation required by a municipality.
- (C) A municipal waste newsletter or circular.
- (D) An e-mail, letter or memorandum from its municipality that explains what may be recycled and where recyclable materials may be dropped off.
- (E) Municipal recycling maps of drop-off locations for recyclable material.
- (F) A municipal recycling collection schedule or calendar.
- (G) Other printed or online materials provided by a municipality regarding municipal waste management.

(d) These records shall be maintained as part of the licensee’s operating records required to be kept for 2 years in accordance with section 493(12) of the Liquor Code (47 P.S. § 4-493(12)).

[Pa.B. Doc. No. 19-322. Filed for public inspection March 8, 2019, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Controlled Plant and Noxious Weed Committee Special Meeting

The Department of Agriculture (Department) announces a special meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The meeting will be held at 1 p.m. on March 21, 2019, in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. The purpose of the special meeting is to consider addition of hemp to the Controlled Plant List. (For the purposes of the Committee, hemp is defined as the plant *Cannabis*

*sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.) The meeting agenda is as follows: presentation of background information on hemp; public comment on listing hemp as a controlled plant; Committee discussion; and Committee action.

Individuals with questions regarding this meeting, which is open to the public, should contact the Department at (717) 787-4843.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 19-323. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending February 26, 2019.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-22-2019	Orrstown Financial Services, Inc. Shippensburg Cumberland County  Application for approval to acquire 100% of Hamilton Bancorp, Inc., Towson, MD, and thereby indirectly acquire 100% of Hamilton Bank, Towson, MD.	Filed
02-25-2019	Citizens & Northern Corporation Wellsboro Tioga County  Application for approval to acquire 100% of Monument Bancorp, Inc., Doylestown, and thereby indirectly acquire 100% of Monument Bank, Doylestown.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-22-2019	Orrstown Bank Shippensburg Cumberland County  Application for approval to merge Hamilton Bank, Towson, MD, with and into Orrstown Bank, Shippensburg, PA.	Filed
02-25-2019	Citizens & Northern Bank Wellsboro Tioga County  Application for approval to merge Monument Bank, Doylestown, with and into Citizens & Northern Bank, Wellsboro.	Approved

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-21-2019	Susquehanna Community Bank West Milton Union County	2409 East Third Street Williamsport Lycoming County	Approved
02-21-2019	Penn Community Bank Doylestown Bucks County	426 North Main Street Doylestown Bucks County	Approved
02-22-2019	LINKBANK West Chester Chester County	2010 Fruitville Pike Lancaster Lancaster County	Filed
02-22-2019	LINKBANK West Chester Chester County	3045 Market Street Camp Hill Cumberland County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-21-2019	Citizens & Northern Bank Wellsboro Tioga County	<i>To:</i> 423/433 Reuter Boulevard Towanda Bradford County  <i>From:</i> 428 Main Street Towanda Bradford County	Approved

**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-25-2019	1st Ed Credit Union Chambersburg Franklin County	475 Eisenhower Drive Hanover York County	Approved

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-324. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Availability of Draft 2018 Consolidated Plan Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its 2018 Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during the 2018 program year in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2014—2018. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within the Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing, homelessness and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely Community Development Block Grant, HOME Investment Partnerships Program, Emergency

Solutions Grant Program, Housing Opportunities for People with AIDS Program and Housing Trust Fund. Additionally, this CAPER will detail funding from 2018 under the Neighborhood Stabilization Program and the Community Development Block Grant—Disaster Recovery Program. The CAPER discusses accomplishments in relation to goals and objectives identified in the 2018 Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan, discusses how the Commonwealth is affirmatively furthering fair and affordable housing, reviews the activities of the Continuums of Care, and appraises how well resources in community development, homelessness and housing are being leveraged.

#### *Public Comments*

Individuals or organizations may provide written comments regarding this draft version of the CAPER. This report will be available on March 10, 2019, at <http://dced.pa.gov> or by calling (717) 720-7404. Written comments will be accepted about the CAPER content and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Persons with a disability or limited English proficiency, who wish to comment and require an auxiliary aid,

service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 to discuss how the Department may best accommodate their needs.

Written comments will be accepted until 4 p.m. on March 27, 2019, and should be sent to the previously

listed address or e-mailed to RA-DCEDcdbg&homequestions@pa.gov. Submission to HUD should be on or near March 29, 2019.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 19-325. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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## APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

### APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**I. NPDES Renewal Applications.**

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0219207 (Sewage)	Sipesville Quecreek STP P.O. Box 162 Sipesville, PA 15561	Somerset County Lincoln Township	Quemahoning Creek (18-E)	Yes
PA0218006 (Sewage)	Blacklegs STP 16980 Rte 286 Highway W Saltsburg, PA 15681-8023	Indiana County Conemaugh Township	Blacklegs Creek (18-C)	Yes
PA0110990 (Industrial)	Central City Authority Water System 314 Central Avenue Suite 203 Central City, PA 15926-1100	Somerset County Shade Township	Unnamed Tributary to Dark Shade Creek (18-E)	Yes
PA0036609 (Sewage)	Conway Borough 1208 3rd Avenue Conway, PA 15027-1598	Beaver County Conway Borough	Ohio River (20-G)	No
PA0217743 (Sewage)	Days Inn Donegal 3620 State Route 31 Donegal, PA 15628	Westmoreland County Donegal Township	UNT of Minnow Run (19-E)	Yes

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0044016 (Industrial)	Linesville Fish Culture Station Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Crawford County Pine Township	Pymatuning Reservoir (20-A)	Yes
PA0240125 (Sewage)	New Bedford STP 1172 State Route 208 Pulaski, PA 16143	Lawrence County Pulaski Township	Deer Creek (20-A)	Yes
PA0238899 (Industrial)	Oil Creek Plastics 45619 State Highway 27 P.O. Box 385 Titusville, PA 16354-5729	Crawford County Oil Creek Township	Unnamed Tributary to Pine Creek (16-E)	Yes
PA0238945 (Sewage)	Pulaski Township STP 1172 State Route 208 Pulaski, PA 16143-4302	Lawrence County Pulaski Township	Shenango River (20-A)	Yes
PA0222283 (Sewage)	Corsica Borough STP 18 Western Avenue Brookville, PA 15825-1540	Jefferson County Corsica Borough	Welch Run (17-C)	Yes
PA0238767 (Sewage)	Stoneworth Apartments 877 New Castle Road Slippery Rock, PA 16057-4233	Butler County Worth Township	Unnamed tributary to Slippery Rock Creek (20-C)	Yes
PA0238724 (Sewage)	Frelighs Whispering Pines MHP 26330 North Hickernell Road Springboro, PA 16435	Erie County Girard Township	Unnamed Tributary to the Elk Creek (15-A)	Yes

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications.**

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0028223**, Sewage, SIC Code 4952, **Corry City Municipal Authority**, 100 South Center Street, Corry, PA 16407. Facility Name: Corry WWTP. This existing facility is located in Corry City, **Erie County**.

Description of Existing Activity: The application is for an amendment of an existing NPDES permit for an existing discharge of treated Sewage.

The receiving stream, the Hare Creek, is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.5 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 7.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.4	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	729	1,167	XXX	25.0	40.0	50
May 1 - Oct 31	437	642	XXX	15.0	22.0	30
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	876	1,314	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	2,000
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	175	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	58	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is not used, any generated is disposed of at a landfill.

In addition, the permit contains the following major special conditions:

- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

**PA0272612**, Pesticides, SIC Code 4959, **US DOI Fish & Wildlife Service**, 3090 Wright Street, Marquette, MI 49855-9649.

Description of Existing Activity: The application is for a renewal of an NPDES permit to treat tributary streams to Lake Erie in Erie and Crawford Counties using TFM, a lampricide, for the control of Sea Lamprey (*Petromyzon marinus*), an invasive species associated with significant damage to the Great Lakes fishery.

The receiving streams are tributaries to Lake Erie located in State Water Plan watershed 15A and are classified for migratory fishes, cold water fishes, warm water fishes, special protection and aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

The permit contains major special conditions including: protection of surface water supply areas, timing of treatment restrictions for non-target aquatic species and recreational fishing, threatened and endangered species protection and significant public notice to treatment areas and dates.



You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340. You may submit written comments on the application and draft permit within 30 days to the previously listed address. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law.

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*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0719402**, Sewerage, **Samuel Fogal**, 140 Swinging Bridge Road, Hollidaysburg, PA 16648.

This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operations of a small flow single residence treatment plant to serve their home.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG01201901**, Sewerage, **Philip Reichard**, 18145 Porky Street, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 1019401**, Sewerage, **REC21, Inc. d/b/a # 1 Cochran Subaru of Butler County**, 4520 William Penn Highway, Monroeville, PA 15146-2814.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: New zero discharge wastewater treatment plant.

**WQM Permit No. 1019402**, Sewerage, **Bruce Sunday**, 123 Old Route 68, Evans City, PA 16033-7613.

This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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### IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

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*Southeast Regional Office: Regional Clean Water Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.*

**PAI130518**, MS4, **East Vincent Township Chester County**, 262 Ridge Road, Spring City, PA 19475. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in East Vincent Township, **Chester County**. The receiving streams, Pigeon Creek, Schuylkill River, Unnamed Tributaries to Schuylkill River, Stony Run, and French Creek, is located in State Water Plan watershed 3-D and is classified for Migratory and High-Quality Waters, Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

*Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PAI138307**, MS4, **City of Farrell**, 500 Roemer Boulevard, Farrell, PA 16121-1901. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Farrell City, **Mercer County**. The receiving stream(s), Shenango River and Unnamed Tributary to Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is in effect.

**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.**

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907019	The Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Bucks	Bristol Township	Neshaminy Creek WWF-MF
PAD150121	Jim and Ann Lim 1294 Farm Lane Berwyn, PA 19312	Chester	Willistown Township	Crum Creek CWF-HQ-MF Bartram Run CWF-HQ-MF
PAD150109	Untied Sports Training Center 1429 Marshallton Thorndale Road Downingtown, PA 19335	Chester	West Bradford Township	Unnamed Tributary to Broad Run EV

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390116	PPL Electric Utilities Corp 2 N 9th St Allentown, PA 18101	Lehigh	Lower Macungie Twp Upper Macungie Twp	Cedar Creek (HQ-CWF, MF) Little Lehigh Creek (HQ-CWF, MF) Iron Run (HQ-CWF, MF) Schaefer Run (HQ-CWF, MF) Brenig Run (HQ-CWF, MF) Swabia Creek (HQ-CWF, MF)
PAD390109	Black Creek Group AKA IPT Acquisitions LLC 301 Rt 17 N Ste 206 Rutherford, NJ 07070	Lehigh	S Whitehall Twp Upper Macungie Twp	UNT to Little Cedar Creek (HQ-CWF, MF)

*Pike County Conservation District, 556 Route 402, Suite 1, Hawley, PA 18428.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520017	Blue Heron Woods POA P.O. Box 606 Hawley, PA 18428	Lehigh	Blooming Grove Twp Lackawaxen Twp Palmyra Twp	UNT to Decker Creek (HQ-CWF, MF) UNT to Blooming Grove Creek (HQ-CWF, MF) EV Wetlands

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360043	S&A Kreider & Sons, Inc. 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run (HQ-CWF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140045	The Pennsylvania State University 139J Physical Plant University Park, PA 16802	Centre	State College Boro	Thompson Run HQ-CWF Big Hollow CWF

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590006	Seneca Resources Corporation, LLC Baldwin Run Road (T-531) Wellsboro, PA 16901	Tioga	Delmar Twp	Baldwin Run HQ-CWF/MF

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD600005	Jeffery Thomas White Deer Run 360 White Deer Run Road Allenwood, PA 17810	Union	Gregg Twp	White Deer Hole Creek HQ-CWF

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD020021	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)

#### **VII. List of NOIs for NPDES and/or Other General Permit Types.**

PAG-12      CAFOs

#### **CAFO Notices of Intent Received.**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**NPDES Permit No. PAG122217**, CAFO, **Dwight Manbeck**, 917 Schwartz Valley Road, Schuylkill Haven, PA 17972.

This proposed facility is located in Wayne Township, **Schuylkill County**.

Description of size and scope of proposed operation/activity: Swine (Grow—Finish): 679.16 AEUs.

The receiving stream, Unnamed Tributary of Lower Little Swatara Creek, is in watershed 7-D and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**NPDES Permit No. PAG122216**, CAFO, **Jairus L Musser**, 280 Deck Drive, Myerstown, PA 17067.

This proposed facility is located in Washington Township, **Schuylkill County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers): 394.96 AEUs.

The receiving stream, Unnamed Tributary of Lower Little Swatara Creek, is in watershed 7-D and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

#### **MS4 PAG-13 Notices of Intent Received.**

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136259	Aspinwall Borough 217 Commercial Avenue Pittsburgh, PA 15215-3024	Aspinwall Borough Allegheny County	Y	N

**STATE CONSERVATION COMMISSION  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Silver Crest Acres Jonas Sensenig 1147 Silver Spring Road Holtwood, PA 17532	Lancaster	296.8	426.34	Swine	HQ	R
Spring Maple Farm Randall Andrews 421 Penn Grant Road Lancaster, PA 17602	Lancaster	290	1,161.52	Poultry	HQ	R
Hershey Farms, LLC Jim Hershey 338 Sunnyburn Road Elizabethtown, PA 17022	Lancaster	550	862.14	Poultry/Swine	NA	R

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## SAFE DRINKING WATER

**Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 0919501**, Public Water Supply.

Applicant **Warminster Municipal Authority**  
415 Gibson Avenue  
Warminster, PA 18974

Township Warminster

County **Bucks**

Responsible Official Timothy Hagey  
Warminster Municipal Authority  
415 Gibson Avenue  
Warminster, PA 18974

Type of Facility PWS

Consulting Engineer CKS Engineers  
88 South Main Street  
Doylestown, PA 18901

Application Received Date January 11, 2019

Description of Action Modification of existing PFAS treatment system to utilize ion exchange resin media.

**Permit No. 0919504**, Public Water Supply.

Applicant **Plumstead Township**  
P.O. Box 387  
5186 Stump Road  
Plumsteadville, PA 18949

Township Warminster

County **Bucks**

Responsible Official Plumstead Township  
P.O. Box 387  
5186 Stump Road  
Plumsteadville, PA 18949

Type of Facility PWS

Consulting Engineer Gilmore & Associates, Inc.  
65 E. Butler Avenue  
New Britain, PA 18901

Application Received Date January 29, 2019

Description of Action Addition of ion exchange/softening system for the removal of radionuclides.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 2619501**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Unity Township

Responsible Official John Ashton, Assistant Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Box 853  
Latrobe, PA 15650

Application Received Date February 25, 2019

Description of Action Installation of chlorine and ammonia feed systems at the Charter Oaks # 2 tank site.

**Permit No. 0219506**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] White Oak Borough

Responsible Official John Ashton, Assistant Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Box 853  
Latrobe, PA 15650

Application Received Date February 25, 2019

Description of Action Installation of chlorine feed system at the White Oak tank site.

**Permit No. 6519505**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Conemaugh Township

Responsible Official John Ashton, Assistant Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
Box 853  
Latrobe, PA 15650

Application Received Date February 25, 2019

Description of Action Installation of chlorine and ammonia feed systems at the Saltsburg tank site.

**Permit No. 2619502**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Allegheny Township  
 Responsible Official John Ashton, Assistant Manager  
 Municipal Authority of  
 Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650

Application Received February 25, 2019  
 Date

Description of Action Installation of chlorine and  
 ammonia feed systems at the  
 Ardara # 1 tank site.

**Permit No. 2619503, Public Water Supply.**

Applicant **Municipal Authority of  
 Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Allegheny Township  
 Responsible Official John Ashton, Assistant Manager  
 Municipal Authority of  
 Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650

Application Received February 25, 2019  
 Date

Description of Action Installation of chlorine and  
 ammonia feed systems at the  
 Ardara # 2 tank site.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe  
 Drinking Water Act.**

*Southwest Region: Water Supply Management Program  
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
 4745.*

**Application No. 2619504WMP, Minor Amendment.**

Applicant **Pleasant Valley Water  
 Authority**  
 2320 Moyer Road  
 Connellsville, PA 15425

[Township or Borough] Bullskin Township  
 Responsible Official Mark Bageant, General Manager  
 Pleasant Valley Water Authority  
 2320 Moyer Road  
 Connellsville, PA 15425

Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received January 15, 2019  
 Date

Description of Action Bulk water loading station.

**Application No. 5619504MA, Minor Amendment.**

Applicant **Municipal Authority of the  
 Borough of Somerset**  
 P.O. Box 71  
 Somerset, PA 15501

[Township or Borough] Somerset Borough  
 Responsible Official Michele Enos, Borough Manager  
 Municipal Authority of the  
 Borough of Somerset  
 P.O. Box 71  
 Somerset, PA 15501

Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received January 20, 2019  
 Date

Description of Action Installation of approximately  
 1,000 feet of waterline (Highland  
 Park waterline project).

**LAND RECYCLING AND  
 ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
 PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate  
 Submitted under the Land Recycling and Envi-  
 ronmental Remediation Standards Act (35 P.S.  
 §§ 6026.101—6026.907).**

Sections 302—305 of the Land Recycling and Environ-  
 mental Remediation Standards Act (act) (35 P.S.  
 §§ 6026.302—6026.305) require the Department to pub-  
 lish in the *Pennsylvania Bulletin* an acknowledgment  
 noting receipt of Notices of Intent to Remediate. An  
 acknowledgment of the receipt of a Notice of Intent to  
 Remediate is used to identify a site where a person  
 proposes to, or has been required to, respond to a release  
 of a regulated substance at a site. A person intending to  
 use the background standard, Statewide health standard,  
 the site-specific standard or intend to remediate a site as  
 a special industrial area shall file a Notice of Intent to  
 Remediate with the Department. A Notice of Intent to  
 Remediate filed with the Department provides a brief  
 description of the location of the site, a list of known or  
 suspected contaminants at the site, the proposed remedia-  
 tion measures for the site and a description of the  
 intended future use of the site. A person who demon-  
 strates attainment of one or a combination of cleanup  
 standards or receives approval of a special industrial area  
 remediation identified under the act will be relieved of  
 further liability for the remediation of the site for con-  
 tamination identified in reports submitted to and ap-  
 proved by the Department. Furthermore, the person shall  
 not be subject to citizen suits or other contribution  
 actions brought by responsible persons not participating  
 in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act,  
 there is a 30-day public and municipal comment period  
 for sites proposed for remediation using a site-specific  
 standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Dauphin House**, 1412-1426 West Dauphin Street/2258-2260 North Carlisle Street, City of Philadelphia, **Philadelphia County**. Bridget Shadler, LPG, August Mack Environmental Inc, 941 Wheatland Avenue, Suite 202, Lancaster, PA 19132 on behalf of Herbert Reid, 1400 Dauphin Associates, LLC, 1910 Spring Garden Street, Suite 1, Philadelphia, PA 19132 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with metals, PAHs and VOCs in soils. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Inquirer* on January 24, 2019.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Duffe Property**, 118 Lakeshore Drive, New Milford Township, **Susquehanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Duffe's Lakeshore LLC, 118 Lakeshore Drive, New Milford, PA 18834, submitted a Notice of Intent to Remediate. Soil and groundwater contamination was caused by a release from an aboveground storage tank that contained heating oil. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Scranton Times* on April 29, 2017.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**162 Seneca School Road Property**, 162 Seneca School Road, Jackson Township, **Erie County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Santander Bank, NA, 2 Morrissey Boulevard, Dorchester, MA 02125-3312, submitted a Notice of Intent to Remediate. During tank removal, it was discovered a release of No. 2 fuel occurred impacting site soil. The Statewide Health Standard has been selected for

remediation of the site. The intended future use of the property is currently unknown. The Notice of Intent to Remediate was published in *The Butler Eagle* on January 28, 2019.

**EQT Hazel Stake 1, Round Top Road** (Lat. 40° 34' 23.38"N Long. -79° 04' 49.66"W), Brush Valley Township, **Indiana County**. SE Technologies, LLC, 98 Vanadium Road, Building D, Bridgeville, PA 15017, on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222-3111, submitted a Notice of Intent to Remediate. During a site inspection, conditions at the site indicated a release of brine/well bore fluids occurred impacting site soil. A combination of the Site-Specific, Statewide Health, & Background Standards has been selected for remediation. The intended future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Indiana Gazette* on January 9, 2019.

### RESIDUAL WASTE GENERAL PERMITS

**Reopening of Public Comment Period for Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101.*

**General Permit Application No. WMGR052SW001. Champion Processing Inc.**, P.O. Box 1073, Coraopolis, PA 15108. The site is located at 1150A Beach Hollow Road, Bulger, PA 15019 in **Washington County**, Robinson Township. General Permit No. WMGR052 was issued on March 6, 2016 and amended on November 21, 2018. General Permit Application No. WMGR052SW001 is for a determination of applicability under General Permit No. WMGR052, and if approved, would authorize Champion Processing to process material which complies with the permit requirements for chemical and physical properties and beneficially use the processed material at the Champion Processing site.

General Permit No. WMGR052 authorizes the processing, by mixing, of approved materials to produce stabilized flue gas desulfurization material (stabilized FGD material) for beneficial use of stabilized FGD material for mine reclamation activities at coal activity mine sites or abandoned mine lands, provided the reclamation is occurring in accordance with a mining permit or reclamation contract executed with the Department.

In addition to obtaining authorization under General Permit No. WMGR052, persons intending to beneficially use stabilized FGD material for mine reclamation activities must first obtain a mining permit or revision to a mining permit or execute a reclamation contract with the Department for the use of the stabilized FGD material in the reclamation of the site. The suitability of the stabilized FGD material for beneficial use, including a review of the existing groundwater and surface water quality and flow, along with an evaluation of the separation between the area where stabilized FGD material will be placed and the seasonal high groundwater to prevent

contact between the stabilized FGD material and ground-water or saturated soil, will be evaluated at each site where it is proposed to be beneficially used as part of the reclamation activities.

Use of the stabilized FGD material on a coal activity mine site must also comply with existing mining regulations, including a demonstration that use or placement of the stabilized FGD material will not cause pollution or potential pollution of surface water and groundwater or result in a violation of air quality standards for fugitive dust.

The Department of Environmental Protection (Department) published notice of Champion Processing's application for authorization under General Permit No. WMGR052, Application No. WMGR052SW001, in the *Pennsylvania Bulletin* on December 8, 2018, and held a 60-day public comment period. In response to public comments, the Department is reopening the public comment period for Application No. WMGR052SW001. The Department will accept additional public comments on the application for 30 days from the date of this notice.

A copy of Champion Processing's application materials, the Department's technical review letter and other relevant information is available for review at the following locations:

Department of Environmental Protection  
Rachel Carson State Office Building, 14th Floor  
Division of Municipal and Residual Waste  
400 Market Street  
Harrisburg, PA 17101  
Appointments to review the documents can be made by calling (717) 787-7381.

Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Appointments to review the documents can be made by calling (412) 442-4000.

Heritage Public Library  
52 Fourth Street  
McDonald, PA 15057  
Visit <http://www.washlibs.org/heritage/> for library hours and location.

The application can also be viewed online at [www.dep.pa.gov/southwest](http://www.dep.pa.gov/southwest).

Written comments concerning the application should be directed to Chris Solloway, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comments by e-mail, place "Comments on WMGR052SW001" in the subject line. All comments must include the originator's name and address. Faxed comments will not be accepted.

Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of, the application.

For more information, please contact the Division of Municipal and Residual Waste at (717) 787-7381.

## RESIDUAL WASTE GENERAL PERMITS

**Application(s) received for the Renewal of a Determination of Applicability under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGR096SW003. Redevelopment Authority of Allegheny County**, One Chatham Center, Suite 900, 112 Washington Place, Pittsburgh, PA 15219. Carrie Furnace Redevelopment Site, Carrie Furnace Boulevard, Rankin, PA 15104. A permit renewal application for continued coverage under residual waste general permit WMGR096 for beneficial use of regulated fill as a construction material in Rankin and Swissvale Boroughs, **Allegheny County**, was deemed administratively complete by the Southwest Regional Office on February 14, 2019.

Comments concerning the application should be directed to the Waste Management Program Manager, DEP Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit,



may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**54-00022D: Hydro Extrusions USA LLC** (53 Pottsville Street, Cressona, PA 17929) for installing a new automotive press line at the site located in Cressona Borough, **Schuylkill County**.

**40-00007C: Bemis Company, Inc.** (20 Jaycee Drive, West Hazleton, PA 18202) for installation of one (1) regenerative thermal oxidizer (RTO) at their Bemis Performance packaging facility in West Hazleton Borough, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Bemis Company,

Inc. (20 Jaycee Drive, West Hazleton, PA 18202) for their Bemis Performance packaging facility in West Hazleton Borough, Luzerne County. This Plan Approval No. 40-00007C will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 40-00007C is for the installation of one (1) new regenerative thermal oxidizer (RTO) to replace three (3) existing catalytic oxidizers to control VOC emissions at their facility. A VOC destruction removal efficiency (DRE) of 98% will be required for this control device. The VOC emissions for this source is less than 1.0 ton/year. The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 40-00007. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00007C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-03177A: Fleetwood Industries, Inc.** (100 Logistics Drive, Hamburg, PA 19555) for the installation of two (2) paints booths with dry exhaust filters and woodworking equipment controlled by a baghouse at the Fleetwood Industries Logistics Drive facility located in Perry Township, **Berks County**. The estimated potential emissions at the facility as a result of the changes proposed are: NO<sub>x</sub> 1.10 tpy, CO 0.92 tpy, SO<sub>x</sub> 0.01 tpy, PM 7.66 tpy,

VOC 21.04 tpy and HAPs 3.93 tpy. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 129.52 Surface coating processes for wood furniture. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**OP18-000048: Episcopal Hospital** (100 East Lehigh Avenue, Philadelphia, PA 19125) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 475 HP boilers firing No. 6 Fuel Oil and natural gas, two (2) 563 kW emergency generators firing diesel, one 187 kW emergency generator firing diesel, one 134 kW emergency generator firing diesel, and one 19 kW generator firing natural gas.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**AMS IP19-000024: Springside Chestnut Hill Academy** (800 Cherokee Street, Philadelphia, PA 19118) for the installation of five (5) boilers firing natural gas and No. 2 fuel oil during periods of natural gas curtailment each rated 5,124,000 BTU/hr or less, one (1) boiler firing No. 2 fuel oil rated 1,701,000 BTU/hr, six (6) combustion units firing natural gas each rated 1,040,000 BTU/hr or less, and one (1) emergency generator firing natural gas rated 125 kW. Insignificant sources for the facility also include thirty-two (32) natural gas fired combustion units each rated less than 250,000 BTU/hr, two (2) electric combustion units, and two (2) natural gas fired emergency generators each rated 45 kW. There will be potential Nitrogen Oxides (NO<sub>x</sub>) emissions of 18.91 tons/year (tpy), potential Particulate Matter (PM) emissions of 1.65 tpy, potential Carbon Dioxide (CO) emissions of 67.84 tpy,

potential Sulfur Dioxide (SO<sub>2</sub>) emissions of 14.84 tpy, and potential Volatile Organic Compound (VOC) emissions of 0.19.

The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**26-00495: Gans Energy, LLC** (198 Butler Street, Springdale, PA 15144), in accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of an electrical power plant, known as the Gans Power Station, located in Springhill Township, **Fayette County**. The proposed renewed TVOP also incorporates the applicable requirement of a Significant Permit Modification to include the 25 Pa. Code § 121.7 in the permit.

Gans Power Station is a simple cycle, pipeline natural gas-fired, combustion gas turbine (CGT) power station. The main sources at this facility are two, NG-fired, 355 MMBtu/hr, heat input, turbine engines powering 44 MW electrical output, electrical generators and a cooling tower.

Annual potential emissions from the Gans Power Station are 136.6 tons of CO, 99.9 tons of NO<sub>x</sub>, 12.3 tons of VOC, 6.4 tons of PM<sub>10</sub>, 6.4 tons of PM<sub>2.5</sub>, and 1.5 ton of SO<sub>2</sub>. Gans also has potential annual emissions of 0.7 ton of formaldehyde and 0.9 ton of the sum of all HAPs combined, and 96,144 tons of CO<sub>2e</sub>. Sources at the Gans Power Station are subject to 40 CFR Part 60, GG—Standards of Performance for Stationary Gas Turbines, Parts 72—77—Acid Rain Program requirements, and Part 97, Subparts AAAAA, BBBBB and CCCCC—CSAPR NO<sub>x</sub> and SO<sub>2</sub> Trading Programs and 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work-practice and reporting requirements for the station.

Gans Energy, LLC's Title V Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality Title V Operating Permit for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Title V Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Title V Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4000.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identifi-

cation of the proposed Operating Permit (specify Operating Permit TVOP-26-00495) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**33-00033: Owens-Illinois Inc., Owens-Brockway Glass Container Plant 18** (1260 Cherry St., Brockway, PA 15824), the Department intends to issue the renewal of the Title V Operating Permit of a glass container manufacturing facility located in Brockway Borough, **Jefferson County**. Permitted sources at the facility include a glass melting furnace, a refiner, forehearth, forming machines, lehrs and other supporting operations. The facility is Title V because of its potential to emit NO<sub>x</sub> and SO<sub>x</sub>. The glass melting furnace has been subject to 25 Pa. Code §§ 129.301 to 129.310, § 60 Subpart CC, and § 63 Subpart SSSSSS. In this renewal, applicable RACT II (§§ 129.96 to 129.100) requirements are incorporated into the renewal permit. A 400-kw emergency generator is added as a permitted source and subject to § 60 Subpart III. To ensure exemption from plan approval requirements, the emergency generator is also subject to operating hour restrictions of 500 hours in any 12-month rolling period and 326 hours during ozone season (May through September). The RACT I-based biennial NO<sub>x</sub> stack testing for the glass melting furnace is removed because the corresponding RACT I-based NO<sub>x</sub> limit is streamlined out by a more stringent limit (§ 129.304), which requires CEMS for compliance demonstration (§§ 129.308 and 129.309). Source test submittals are updated based on Source Testing Section's latest instructions. Sources no longer operated are removed from the operating permit.

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**39-00022: Sunoco Partners Marketing & Terminals, LP, Fullerton Terminal** (2480 Main Street, Whitehall, PA 18052). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for Petroleum Bulk Stations and Terminals operations in Whitehall Township, **Lehigh County**. The primary sources consist of a gasoline, trans mix, and diesel truck loading racks and internal floating and fixed roof tanks. The control devices consist of a Vapor Destruction Unit (VDU) and a Vapor Recovery Unit (VRU). The sources are

considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00025: Sunoco Partners Marketing & Terminals, LP, Kingston Terminal** (60 S Wyoming Ave, Edwardsville, PA 18704-3102). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for Petroleum Bulk Stations and Terminals operations in Edwardsville Borough, **Luzerne County**. The primary sources consist of a gasoline and diesel truck loading racks and internal floating and fixed roof tanks. The control devices consist of a Vapor Destruction Unit (VDU) and a Vapor Recovery Unit (VRU). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**22-03057: Dayton Parts LLC** (1300 North Cameron Street, Harrisburg, PA 17103) to issue a State-Only Operating Permit for the truck parts manufacturing plant in the City of Harrisburg, **Dauphin County**. The actual emissions from the facility in 2017 were reported to be 10.6 tons of VOCs, 5.5 tons of NO<sub>x</sub>, and 4.7 tons of CO. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**14-00010: Snow Shoe Refractories LLC** (895 Clarence Road, Clarence, PA 16829-8111); the Department intends to issue a renewal State Only permit for their Clarence Plant facility located in Snow Shoe Township, **Centre County**. The facility is currently operating under State Only Permit No. 14-00010 issued on April 30, 2014. There were no physical changes to facility wide source operations since the previous permit was issued. Facility wide Potential to Emit calculations for nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>, expressed as SO<sub>2</sub>), particulate matter (PM), PM<sub>10</sub>, PM<sub>2.5</sub> and hazardous air pollutants (HAPs) are, as follows: NO<sub>x</sub>: 40.3 tons per year (tpy); CO: 24.0 tpy; VOCs: 4.0 tpy; SO<sub>2</sub>: 1.4 tpy; PM<sub>10</sub>: 98.4 tpy; and HAPs: < 10.1 tpy. The refractory manufacturing is subject to Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1

and 127.12, including requirements to control emissions from manufacturing equipment with fabric collectors. The fabric collectors are to be operated and maintained in accordance with good air pollution control practices. In addition, the company is required to maintain compliance with the existing throughput restrictions to limit the sulfur oxide and hazardous air pollutant emissions below major thresholds. Based on the information provided in the permit renewal application submittal, all applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

**14-00037: Spectrum Controls, Inc.** (1900 West College Avenue, State College, PA 16801-2723) for the facility located in Ferguson Township, **Centre County**. The facility is currently operating under State Only Permit No. 14-00037 issued on April 8, 2014. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 7.21 TPY of CO; 10.94 TPY of NO<sub>x</sub>; 0.05 TPY of SO<sub>x</sub>; 12.48 TPY of PM/PM<sub>10</sub>; 29.48 TPY of VOC; 7.48 TPY of HAP and 2,747 TPY of CO<sub>2</sub>e. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580–63.6675. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Based on the information provided in the permit renewal application submittal, all applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III, Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**OP17-000075: Domestic Linen Supply Co., Inc.** (4100 Frankford Ave, Philadelphia, PA 19124) for the operation of an industrial laundry facility processing print and shop towels in the City of Philadelphia, **Phila-**

**delphia County**. The facility's air emission sources include two (2) 2.7 MMBtu/hr natural gas fired dryers with lint filters and cyclones, eight (8) 600 lbs/load or less washers using non-HAP materials for laundering, 12% VOC by weight laundry detergent, two (2) Midwest units, one (1) 20.0 MMBtu/hr natural gas fired boiler, and fugitive sources.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments or request a public hearing on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301–3326); The Clean Streams Law (35 P.S. §§ 691.1–691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51–30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1–1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121–77.123 and 86.31–86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**56111302 and NPDES No. PA0236101 and GP12-56111302. Wilson Creek Energy, LLC**, (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). To revise the permit for the Acosta Deep Mine in Jenner Township, **Somerset County** and related NPDES permit for expansion of the current permitted surface activity site to mainly be used for rock crushing and raw coal storage. The proposed revision will add NPDES points 005, 006 and 007. Included revision of Air Quality GPA/GP12 authorization. Surface Acres Proposed 63.48. Receiving stream, Unnamed Tributary to Quemahoning Creek classified for the following use: CWF. The application was considered administratively complete on February 15, 2019. Application received July 30, 2018.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill and Morris Townships, **Greene County** and related NPDES permit for installation of an Airshaft site, six (6) boreholes, and one (1) NPDES outfall. Surface Acres Proposed 24.3. Receiving stream Unnamed Tributary to Bates Fork, classified for the following use: HQ-WWF. The application was considered administratively complete on February 22, 2019. Application received January 2, 2018.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 32130101. KMP Associates, Inc.**, 3756 State Route 981, Saltsburg, PA 15681, permit renewal for reclamation only of a bituminous surface & auger mine in Conemaugh & Young Townships, **Indiana County**, affecting 37 acres. Receiving streams: unnamed tributaries to/and Big Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 19, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**4777SM7 and NPDES No. PA0257648. Warner Company** (c/o Waste Management, 4 Liberty Lane West, Hampton, NH 03842). Revise NPDES permit for coal surface mining, post-mining water treatment only in Snow Shoe Township, **Centre County** affecting 24.0 acres. Receiving stream(s): Unnamed Tributaries to Beech Creek, to Bald Eagle Creek, to West Branch Susquehanna

River, classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 15, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 40990201R4. Jeddo-Highland Coal Company**, (46 Public Square, Suite 701, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County** affecting 194.4 acres, receiving streams: Spring Run and Solomon Creek, classified for the following uses: cold water and migratory fishes. Application received: January 14, 2019.

**Permit No. 40990201C6. Jeddo-Highland Coal Company**, (46 Public Square, Suite 701, Wilkes-Barre, PA 18701), correction to update the post-mining land use to unmanage natural habitat of an existing anthracite coal refuse reprocessing operation in Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County** affecting 194.4 acres, receiving streams: Spring Run and Solomon Creek, classified for the following uses: cold water and migratory fishes. Application received: January 14, 2019.

**Permit No. 54830107R7. Selkirk Enterprises, LLC**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Branch and Reilly Townships, **Schuylkill County** affecting 2,063.8 acres, receiving stream: West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: January 15, 2019.

**Permit No. 54830107C6. Selkirk Enterprises, LLC**, (10 Gilberton Road, Gilberton, PA 17934), correction to update the post-mining land use to unmanaged natural habitat of an existing anthracite surface mine and coal refuse reprocessing operation in Branch and Reilly Townships, **Schuylkill County** affecting 2,063.8 acres, receiving stream: West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: January 15, 2019.

**Permit No. 54830207R7. Blaschak Coal Corp.**, (P.O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 280.0 acres, receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: January 16, 2019.

**Permit No. GP12-54830207R2. Blaschak Coal Corp.**, (P.O. Box 12, Mahanoy City, PA 17948), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54830207 in Mahanoy Township, **Schuylkill County**. Application received: January 16, 2019.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*	greater than 6.0; less than 9.0		

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 28992807. St. Thomas Towing & Auto Repair, Inc.**, 4571 Racetrack Road, St. Thomas, PA 17252, bond release on a small noncoal (industrial minerals) operation in St. Thomas Township, **Franklin County**, affecting 3.0 acres. Receiving stream: unnamed tributary to Back Creek. Application received: February 14, 2019.

**Permit No. 56070801. Shaffer Brothers Coal Co., Inc.**, 1 Jay Street, Windber, PA 15963, bond release on a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 5.0 acres. Receiving stream: Seese Run. Application received: February 19, 2019.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**37162802. Hillsville Limestone Company, Inc.** (192 Gennaro Drive, Hillsville, PA 16132) Revision to an existing noncoal surface mine to add reclamation fill to the permit in Mahoning Township, **Lawrence County** affecting 11.3 acres. Receiving streams: Unnamed tributary to Mahoning River, classified for the following: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 12, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**4774SM4 and NPDES No PA0115789. Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195). Modification to add an additional NPDES discharge point to the existing permit located in Montoursville Borough and Fairfield Township, **Lycoming County** affecting 939.3 acres. Receiving stream(s): Bennetts Run and Tule's Run classified for the following use(s): WWF, MF. Application received: January 28, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 5177SM2T. Geary Enterprises Concrete**, (326 Post Hill Road, Falls, PA 18615), transfer and correction to update the mining depth to 600 feet and decrease the permitted acres from 73.0 acres to 22.4 acres of an existing quarry operation from Chamberlain Sand & Gravel in Exeter Township, **Wyoming County**, receiving stream: Susquehanna River, classified for the following uses: warm water and migratory fishes. Application received: January 16, 2019.

**Permit No. 58010853. Willard Tingley**, (4553 Tingley Lake Road, New Milford, PA 18834), Stage I & II bond release of a quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre on property owned by Willard Tingley. Application received: January 30, 2019.

**Permit No. 40910801. John S. Yarosz**, (1204 Main Street, Swoyersville, PA 18704), Stage I & II bond release of a quarry operation in Pittston City, **Luzerne County** affecting 5.0 acres. Application received: December 16, 2018.

**Permit No. 64192501 and NPDES Permit No. PA0225967. Robert A. Coleman**, (P.O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 10.0 acres, receiving stream: West Branch Delaware River, classified for the following uses: cold water fishes, migratory fishes and high-quality waters. Application received: February 21, 2019.

**Permit No. 64190801 and NPDES Permit No. PA0225975. Robert A. Coleman**, (P.O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: West Branch Delaware River, classified for the following uses: cold water fishes, migratory fishes and high-quality waters. Application received: February 21, 2019.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*	greater than 6.0; less than 9.0		

Alkalinity greater than acidity.\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**NPDES No. PA0235571 (Mining Permit No. 17031301), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for the Cherry Tree Mine in Burnside Township, **Clearfield County** and Montgomery Township, **Indiana County**. Surface Acres Affected 49, Underground Acres Affected 5,382. The mine has been backfilled and all NPDES outfalls removed. This review is to renew the permit for reclamation only. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF: TMDL. The application was considered administratively complete on November 26, 2018. Application received November 26, 2018.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

Outfall N/A discharges to: West Branch Susquehanna River

The proposed effluent limits for Outfall N/A (Lat: 40° 44' 18" Long: -78° 47' 50") are:

The permittee is authorized to discharge from sediment traps specifically designed using best management practices to capture and contain sediment from non-contact stormwater runoff. The permittee is not authorized to discharge from any other point sources.

The following conditions apply at all times:

- (1) pH not less than 6.0 or greater than 9.0 standard units at all times.
- (2) Settleable solids less than 0.5 ml/L.
- (3) Alkalinity must exceed acidity at all times.

(4) The permittee shall not discharge oil and grease in such quantities "as may be harmful" pursuant to Section 311(b)(4) of the CWA and further defined in 40 CFR 110.3(a)(b) to not violate applicable water quality standards; or cause a film or sheen upon or discoloration of the surface of the water or adjoining shoreline or cause a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines.

(5) The permittee shall not discharge runoff or other water that has come in contact with coal or other pollution forming materials.

EPA waiver is not in effect.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

**NPDES No. PA0280666 (Permit No. 16190101). Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Highland Township, **Clarion County**, affecting 84.0 acres. Receiving streams: Reed Run to the Clarion River, classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: January 17, 2019.

The following outfalls discharge to Reed Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y
TB	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to Reed Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

<sup>1</sup> The parameter is applicable at all times.



*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**NPDES No. PA0257648 (Mining Permit No. 4777SM7), Warner Company c/o Waste Management**, 4 Liberty Lane West, Hampton, NH 03842-1704, revise NPDES permit for coal surface mining, post-mining water treatment only in Snow Shoe Township, **Centre County** affecting 24.0 acres. Receiving stream(s): Unnamed Tributaries to Beech Creek, to Bald Eagle Creek, to West Branch Susquehanna River, classified for the following use(s): CWF and MF. The receiving streams are in the Beech Creek Watershed TMDL. Application received: February 15, 2019.

The following treated mine drainage outfalls discharge to Unnamed Tributaries to Beech Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N
003	Y

The existing water treatment system (41° 05' 11"/-77° 50' 56") treats post-mining discharges at the States # 1 Operation. The revision to the permit includes the removal of a portion of the existing treatment system that will be offset by the construction and operation of a treatment system to treat acid mine drainage from an abandoned underground mine (41° 04' 57"/-77° 52' 26"). An offset agreement between DEP and Warner Company will require the operation of a limestone doser on Beech Creek (41° 03' 04"/-77° 55' 07"). The offsets will achieve a greater waste load reduction to Beech Creek than results from the existing treatment system.

The proposed effluent limits for the previously listed outfalls are based on waste load allocations (WLAs) developed in the TMDL report:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	NA	NA	NA

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E50-267: PennDOT Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, in Juniata Township, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to 1) install and maintain a 1-foot depressed, 50-foot, 3 3/4-inch long, 12-foot wide, precast reinforced concrete box culvert, with an underclearance of 7-feet and 8-inch high fish baffles in an Unnamed Tributary (UNT) to Buffalo Creek (HQ-CWF), 2) re-grade 35.4 linear feet of a UNT to Buffalo Creek (HQ-CWF), 3) install and maintain an 18-inch pipe culvert and place and maintain an R-5 rock riprap apron for outfall protection in the floodway of a UNT to Buffalo Creek (HQ-CWF), 4) place and maintain an R-5 rock riprap apron for outfall protection in the floodway of a UNT to Buffalo Creek (HQ-CWF), all for the purpose of improving transportation safety and roadway standards along SR 0849 in Juniata Township, Perry County (Latitude: 40.481864, Longitude: -77.186478). The project will result in 122 linear feet of permanent stream impact and 60.6 linear feet of temporary stream impact to a UNT to Buffalo Creek (HQ-CWF). No wetlands will be impacted by this project.

**E50-396: PennDOT Engineering District 9-0**, 1620 N. Juniata St., Hollidaysburg, PA 16648 in Bloomfield Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to install and maintain a 6-foot × 20-foot box culvert with 1-foot uniform depression in Halter Creek (WWF, MF) for the purpose of improving transportation safety and roadway standards along SR 1042 in Bloomfield Township, Bedford County (Latitude: 40° 17' 7.6", Longitude: -78° 17' 8.2"). The project proposed to permanently impact 83 linear feet of stream channel and 0.01 acre of exceptional value PEM wetlands and temporarily impact 134 linear feet of stream channel and 0.012 acre of exceptional value PEM wetlands.

*Southwest Region: Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E04-360, Bridgewater Landings, Inc.**, 404 Brklich Way, Bridgewater, PA 15009; Bridgewater Borough, **Beaver County**; Pittsburgh ACOE District.

The applicant is proposing to:

Operate and maintain the Bridgewater Landings Marina & Boathouse which consists of 2.3 acres of a marina and (3) docks along the right descending bank of the Beaver River. The project is not associated with any new construction project and the permit is for operation and maintenance only. The marina is located approximately 0.21 mile from the confluence of the Beaver and Ohio Rivers, located between the Rochester Bridgewater Bridge and Rochester Beaver Bridge (Beaver, PA USGS Topographic quadrangles; N: 40°, 42', 0.06"; W: -80°, 17', 31.00"; Sub-Basin 20B; USACE Pittsburgh District), in Bridgewater Borough, Beaver County.

**E63-636-A1, East Bethlehem Township**, P.O. Box 687, 36 Water Street, Fredericktown, PA 15333, East Bethlehem Township, **Washington County**; Pittsburgh ACOE District.

The applicant is proposing to:

Construct, operate and maintain a 840 LF by 8 LF dock expansion off of an existing 120 LF by 8 LF dock along the Monongahela River (WWF). The project will permanently impact 840 LF of the Monongahela River. No compensatory mitigation is required.

The project site is located approximately 110 feet southeast of the intersection of Water Street and Charter Street (California, PA USGS topographic quadrangle; N: 40°, 0', 4.99"; W: -79°, 59', 48.31"; Sub-basin 19C; USACE Pittsburgh District), in East Bethlehem Township, Washington County.

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D20-007. Edward E. Raptosh, P.E.**, Civil Engineer Manager, Bureau of Facility Design and Construction, Pennsylvania Department of Conservation and Natural Resources, P.O. Box 8451, Harrisburg, PA 17101, South Shenango Township, **Crawford County**, USACOE Pittsburgh District.

Project proposes to construct a toe drain to collect seepage from Pymatuning Dam. The project will permanently impact a de minimus area of wetland (PEM) equal to 0.049 acre and temporarily impact 0.021 acre of wetland (PEM). The dam is located across the Shenango River (WWF) (Greenville West, PA Quadrangle; Latitude: 41.4998, Longitude: -80.4584).

**D36-026EA. David Smith**, Director, Lancaster County Career and Technology Center, 432 Old Market Street, Mount Joy, PA 17552, Mount Joy and Rapho Townships, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove the Mt. Joy Water Works Dam to eliminate a threat to public safety and to restore approximately 2,500 feet of stream channel to a free-flowing condition. The project is located across Little Chickies Creek (TSF, MF) (Columbia West, PA Quadrangle, Latitude: 40.1203; Longitude: -76.5003).

**E22-653. Hawthorne SPE, LLC**, 3605 Vartan Way, Suite 301, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, USACOE Baltimore District.

Project proposes to construct a 12' × 4' arch culvert across Black Run (WWF) that will provide vehicular access to the Susquehanna Union Green land development project. The crossing will convey traffic between the proposed residential development south of Black Run and a combination of residential and commercial/retail development north of Black Run. The impacts of the proposed culvert include 267 square feet of permanent impacts to Black Run and 753 square feet of permanent impacts to the floodway of Black Run. The applicant also proposes to construct a timber pile supported pedestrian bridge across Black Run that will provide walking access between both north and south sides of the land development project. The pedestrian bridge will have 55 square feet of permanent impacts to Black Run and 216 square feet of permanent impacts on the floodway of Black Run. The project is located upstream of North Progress Avenue in Susquehanna Township, Dauphin County (USGS Quadrangle: Harrisburg East, PA: Latitude: 40° 19' 33"; Longitude: -76° 51' 19").

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### **I. NPDES Renewal Permit Actions.**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029866 (SEW)	Green Ridge Elementary School Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17050-1796	Silver Spring Township Cumberland County	Unnamed Tributary to Conodoguinet Creek in Watershed(s) 7-B	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0240010 (Sewage)	Paul L Labrie SFTF 112 Wetmore Trail Kane, PA 16735-2218	McKean County Hamilton Township	Twomile Run (16-F)	Yes
PA0272604 (Sewage)	Paul Zentz SRSTP 11558 Route 62 Tidioute, PA 16351-5505	Warren County Limestone Township	Allegheny River (16-F)	Yes
PA0238759 (Sewage)	Nancy Jane Oesterling SFTF 454 Keck Road Butler, PA 16002-1098	Butler County Summit Township	Unnamed Tributary to Bonnie Brook (20-C)	Yes
PA0240036 (Sewage)	Jack Brinling SFTF 7928 E Lake Road Erie, PA 16511-1633	Erie County Harborcreek Township	Lake Erie (16-A)	Yes
PA0101389 (Sewage)	Maplewood Elementary School 18741 State Highway 198 P.O. Box 808 Saegertown, PA 16433-4315	Crawford County Townville Borough	Muddy Creek (16-A)	Yes
PA0023566 (Sewage)	Emlenton Area STP 665 S. Dock Street Sharon, PA 16146	Venango County Emlenton Borough	Allegheny River (16-G)	Yes

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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0244171**, Industrial, **Lower Merion Township**, 75 E Lancaster Avenue, Ardmore, PA 19003-2376.

This existing facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial wastewater.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**NPDES Permit No. PAS806111**, Storm Water, SIC Code 4213, **Old Dominion Freight Line Inc.**, 500 Old Dominion Way, Thomasville, NC 27360-8923.

This proposed facility is located in Nottingham Township, **Washington County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Storm Water.

**NPDES Permit No. PA0255491**, Sewage, **Ms. Stacey Barnhart**, 2398 State Route 982, Mount Pleasant, PA 15666-2520.

This proposed facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.**


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 1500410**, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380-6107.

This proposed facility is located in East Goshen Township, **Chester County**.

Description of Action/Activity: Permit Renewal.

**WQM Permit No. 2307201**, Sewage, Transfer, **Refresno North America**, 20 Aldan Avenue, Concordville, PA 19342.

This proposed facility is located Concord Township, **Delaware County**.

Description of Action/Activity: Permit Transfer.

**WQM Permit No. WQG02091815**, Sewage, **PA DCNR Neshimany State Park**, 3401 State Road, Bensalem, PA 19020.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 9656-S A-1**, Sewage, **Arnold City Westmoreland County**, 1829 5th Avenue, Arnold, PA 15068.

This proposed facility is located in Arnold City, **Westmoreland County**.

Description of Proposed Action/Activity: Partial separation of sewage and storm water along Moore and Drey Street.

**WQM Permit No. 6518408**, Sewage, **Ms. Stacey Barnhart**, 2398 State Route 982, Mount Pleasant, PA 15666-2520.

This proposed facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposes to construct a SR STP to serve the Barnhart Property, with a 400 GPD design capacity.

**WQM Permit No. 0308201 A-1**, Industrial, SIC Code 1389, **Alliance Petroleum Corporation**, 101 McQuiston Drive, Jackson Center, PA 16133-1633.

This existing facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Transfer of permit and installation of two (2) 100-barrel flow equalization tanks, a physical/chemical treatment with automatic, flow proportioned sodium sulfate feed and flocculation treatment with automatic, flow proportioned polymer feed, prior to existing precipitation ponds, for the reduction of total barium.

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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**


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*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI136144	Borough of Dormont Stormwater Authority and Borough of Dormont 1444 Hillsdale Avenue Suite 10 Pittsburgh, PA 15216-2091	Dormont Borough Allegheny	Unnamed Tributary to Sawmill Run (WWF)	Y	N

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**V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.**


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*Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4800.*

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the MS4s instead of NPDES permit coverage.

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133697	Lebanon County 400 S 8th Street Lebanon, PA 17042	Lebanon City Lebanon	Quittapahilla Creek and Unnamed Tributary to Manada Creek/TSF and MF

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**


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*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150084	Artisan Construction Group, LLC 110 Phoenixville Pike Malvern, PA 19355	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV
PAD510019	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD510036	Brandywine 3025 JFK, LP 2929 Walnut Street Suite 1700 Philadelphia, PA 19104	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Phillips, Section Chief, Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210027 Issued	Northpoint Development, LLC 4825 Northwest 41st Street Suite 500 Riverside, MO 64150-7806	Cumberland	Middlesex Township	UNT Letort Spring Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD600004	Pennsylvania American Water Company Dean Kirkendall 825 Wesley Drive Mechanicsburg, PA 17055-4436	Union	White Deer Twp	White Deer Creek CWF, MF, HQ West Branch of the Susquehanna River WWF, MF

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD020021	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)

### **VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types.**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Aston Township Delaware County	PAC230084	Aston Township 5021 Pennell Road Aston, PA 19014	Baldwin Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Delaware County	PAC230065	WV-PP Towne Center, LP 940 West Sproul Road Suite 301 Springfield, PA 19064-1255	Unnamed Tributary to Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAC230042	Newtown Township Delaware County Municipal Authority 290 Bishop Hollow Road Newtown Square, PA 19073-3219	Crum Creek Reeses Run Preston Run and Hunter Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Aston Township Delaware County	PAC230097	J. Grace Company 1 Station Road Chadds Ford, PA 19317	Tributary to Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Ridley and Nether Providence Townships Delaware County	PAC230093	Kinder Park Housing Partnership, LP One Brewery Place 1301 North 31st Street Philadelphia, PA 19121	Ridley Creek TSF-MF Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Chichester Township Delaware County	PAC230087	KISH Associates 1390 Birmingham Road West Chester, PA 19382	Naamans Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAC460260	615 Egypt Road LP 1030 West Germantown Pike East Norriton, PA 19403	Unnamed Tributary to Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460342	Carlyle Management Corporation 254 Katonah Avenue Suite 203 Katonah, NY 10536	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAC460302	Anlynn Properties, LLC 316 North Limerick Road Schwenksville, PA 19473-1643	Possam Hollow Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510083	The School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130-4015	Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510102	NewCourtland Elder Services, Inc. 6970 Germantown Avenue Philadelphia, PA 19119-2114	Pennypack Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

<i>NPDES</i>				
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC390073	Epernay Limited Partnership LP 2005 City Line Rd Ste 106 Bethlehem, PA 18017	Lehigh	Upper Saucon Twp	Saucon Creek (CWF, MF)

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.*

<i>NPDES</i>				
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400116	Rolling Meadows Development Co Raymond Peeler 46 Pierce St Kingston, PA 18704	Luzerne	Jackson Twp	Huntsville Creek (CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.*

<i>NPDES</i>				
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC480075	Chrin Brothers Inc 1225 Industrial Dr Easton, PA 18042	Northampton	Williams Twp	Lehigh River (WWF, MF)

*Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733.*

## NPDES

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC540064	Frank Zukas Schuylkill Economic Development Corp 1 Progress Circle Ste 200 Pottsville, PA 17901	Schuylkill	Cass Twp	Dyer Run (CWF, MF)

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.*

## Facility Location:

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Straban Township Adams County Issued	PAC010065	Woodhaven Building & Development, Inc. 4175 Hanover Pike Manchester, MD 21102	Rock Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Allegheny Township Blair County Issued	PAC070045	Jeff Sanders 1356 Old Sixth Avenue P.O. Box 929 Altoona, PA 16601	Spencer Run (WWF-MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
South Hanover Township Dauphin County Issued	PAC220098	Mid Atlantic Interstate Transmission, LLC 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001	UNT Beaver Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
City of Harrisburg Dauphin County Issued	PAC220144	PA Dept of General Services 1800 Herr Street Harrisburg, PA 17103	Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
East Cocalico Township Lancaster County Issued	PAC360297	Mt. Zion Baptist Church 3 Denver Road Denver, PA 17517	Stony Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Warwick Township Lancaster County Issued	PAC360357	Thomas Shumate 201 Briar Hill Road Lititz, PA 17543	UNT Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Rapho Township Lancaster County Issued	PAC360304	Z Team Limited Partnership 1976 Auction Road Manheim, PA 17545	UNT Chiques Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Donegal Township Lancaster County Issued	PAC360368	Nordstrom Inc. 1700 Seventh Avenue Suite 100 Seattle, WA 98101	UNT Conewago Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lebanon Township Lebanon County Issued	PAC380096	Martha Husser 71 North 16th Street Lebanon, PA 17042	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Palmyra Borough Lebanon County Issued	PAC380099	Darcy Brenner-Smith 1125 Park Drive Palmyra, PA 17078	UNT Killinger Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
East Hanover Township Lebanon County Issued	PAC380106	Matthew & Peggy Heisler 64 Calvary Road Jonestown, PA 17038	UNT Raccoon Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Carroll Township York County Issued	PAC670256	Roger C Petrone 4076 Market Street Camp Hill, PA 17011-4200	Yellow Breeches Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Dover Township York County Issued	PAC670267	Kings Court Associates LP 1085 Manheim Pike Lancaster, PA 17601	UNT Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Jackson Township York County Issued	PAC670264	Farm Lane Estates LP 755 Hemenway Street Marlborough, MA 01752	UNT Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Jackson Township York County Issued	PAC670266	Roth's Church Road Partners LP 1396 Chami Drive P.O. Box 262 Spring Grove, PA 17362	UNT Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
West Manchester Township York County Issued	PAC670257	Robert A Kinsley 6259 Reynolds Mill Road Seven Valleys, PA 17360	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Benner Twp Centre Cnty	PAC140060	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	UNT Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Spring Twp Centre Cnty	PAC140066	DeOnna Real Estate Inc. 3420 West College Avenue State College, PA 16801	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Wayne Twp Clinton Cnty	PAC180008	Big Woods Land Company P.O. Box 400 McElhattan, PA 17748	UNT West Branch Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Cooper Twp Montour Cnty Montour Twp & Hemlock Twp Columbia Cnty	PAC190033	PPL Electric Utilities 2 North 9th St Allentown, PA 18101	Sechler Run, Susquehanna Montour Run, Hemlock Creek, Frozen Run	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Orange Twp Columbia Cnty	PAC190034	Orangeville DG, LLC 36 Summit Blvd Birmingham, AL 35243	Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Mifflinburg Boro Union Cnty	PAC600036	Jason Romig Legacy Building Products, Inc 5 North 8th St Mifflinburg, PA 17844	Buffalo Creek CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
McKees Rocks Borough Allegheny County	PAG036243	Boyd Roll-Off Services Inc. 1107 Thompson Avenue McKees Rocks, PA 15136	Chartiers Creek 20-F WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-06*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Braddock Borough Allegheny County	PAG066102	Braddock Borough Allegheny County 415 6th Street Braddock, PA 15104-1635	Monongahela River—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Passaic Valley Sewerage Commission 600 Wilson Avenue Newark, NJ 07105 Essex/Newark	PAG089902	Passaic Valley Sewerage Commission 600 Wilson Avenue Newark, NJ 07105	Passaic Valley Sewerage Commission 600 Wilson Avenue Newark, NJ 07105	DEP—Bureau of Clean Water 400 Market Street P.O. Box 8774 Harrisburg, PA 17105-8774 Telephone: 717-787-4090

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Patrick Lemin Farm 4476 Newburg School Rd James Creek, PA 16657 Todd Township Huntingdon County	PAG07 WMGR-099	Synagro 1605 Dooley Rd P.O. Box B Whiteford, MD 21160	Patrick Lemin Farm 4476 Newburg School Rd James Creek, PA 16657	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 6518515, Public Water Supply.**

Applicant	<b>Highridge Water Authority</b> 17 Maple Avenue Blairsville, PA 15717
[Borough or Township]	Burrell Township
County	<b>Indiana</b>
Type of Facility	Turner Drive pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Box 853 Latrobe, PA 15650
Permit to Construct Issued	February 25, 2019

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Hempfield Township, **Westmoreland County** on February 7, 2019 for the operation of facilities approved under Construction Permit # 2615501.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) South Connellsville Borough, **Fayette County** on February 25, 2019 for the operation of facilities approved under Construction Permit # 2618504.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) Franklin, Washington and Morris Townships, **Greene County** on February 22, 2019 for the operation of facilities approved under Construction Permit # 3018520MA.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) German Township, **Greene County** on February 22, 2019 for the operation of facilities approved under Construction Permit # 3018514.

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Operations Permit No. 0919503** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Hershey, Bryn Mawr, PA 10910, **PWS ID # 1090001**, Bristol Borough, **Bucks County** on February 25, 2019 for the operation of certification of a 4-log treatment of virus at entry point 102 approved under construction permit # 0919503.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 2350053, Operations Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
1 Aqua Way  
White Haven, PA 18861

[Borough or Township] Thornhurst Township

County **Lackawanna**

Type of Facility PWS

Consulting Engineer Dan Hopkins, P.E.  
Entech Engineering, Inc.  
201 Penn St.  
P.O. Box 32  
Reading, PA 19603

Permit to Operate Issued 1/25/2019

**Permit No. 3390068, Operations Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Borough or Township] South Whitehall Township

County **Lehigh**

Type of Facility PWS

Consulting Engineer Benjamin Segal, PE  
GHD, Inc.  
1240 North Mountain Rd.  
Harrisburg, PA 17112

Permit to Operate Issued 1/28/2019

**Permit No. 2640022, Operations Permit, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Borough or Township] Lehigh Township

County **Wayne**

Type of Facility PWS

Consulting Engineer Douglas Berg, P.E.  
Entech Engineering, Inc.  
8 Silk Mill Rd.  
Suite 211  
Hawley, PA 18428

Permit to Operate Issued 1/24/2019

**Permit No. 2450093, Public Water Supply.**

Applicant **Aqua PA, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] Polk Township  
**Monroe County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Chad M. Lello, P.E.  
Pennoni Associates Inc.  
672 S River Street  
Plains, PA 18705

Permit Issued Date 02/14/2019

**Permit No. 3396420, Operations Permit, Public Water Supply.**

Applicant **Nestle Waters North America, Inc.**  
305 Nestle Way  
Breinigsville, PA 18031

[Borough or Township] Upper Macungie Township

County **Lehigh**

Type of Facility Bottled Water Facility

Consulting Engineer Edward E. Davis, PE  
Miller Brothers Construction, Inc.  
P.O. Box 472  
Schuylkill Haven, PA 17972

Permit to Operate Issued 2/21/2019

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0518504 MA, Public Water Supply.**

Applicant **Municipal Authority of the Borough of Bedford**

Municipality Bedford Borough

County **Bedford**

Responsible Official Larry Johnson, Chairman  
244 W Penn Street  
Bedford, PA 15522

Type of Facility Replacement of distribution system piping.

Consulting Engineer Timothy A. Cooper, P.E.  
Stiffler McGraw & Associates Inc  
19 N Juniata Street  
Hollidaysburg, PA 16648

Permit to Construct Issued 2/19/2019

**Comprehensive Operation Permit No. 3060087** issued to: **Western Berks Water Authority (PWS ID No. 3060087)**, Centre Township, **Berks County** on 2/19/2019 for the operation of facilities at Western Berks Water Authority Mohrsville District approved under Construction Permit No. 0617511 MA.

**Operation Permit No. 5018502 MA** issued to: **Duncannon Borough (PWS ID No. 7500019)**, Duncannon Borough, **Perry County** on 2/19/2019 for facilities approved under Construction Permit No. 5018502 MA.

**Transferred Comprehensive Operation Permit No. 7360793** issued to: **Stone House Café, LLC (PWS ID No. 7360793)**, Clay Township, **Lancaster County** on

2/4/2019. Action is for a Change in Ownership for the operation of facilities previously issued to Advent Ventures, Inc.

**Source Water Protection Program Update Approval** issued to **Warwick Township Municipal Authority**, 315 Clay Road, Lititz, PA 17543, **PWSID 7360116**, Warwick Township, **Lancaster County** on February 19, 2019.

**Source Water Protection Program Update Approval** issued to **Lititz Borough**, 50 Lititz Run Road, Lititz, PA 17543, **PWSID 7360126**, Lititz Borough, **Lancaster County** on February 19, 2019.

**Source Water Protection Program Update Approval** issued to **Warwick Township Municipal Authority Rothsville System**, 315 Clay Road, Lititz, PA 17543, **PWSID 7360120**, Warwick Township, **Lancaster County** on February 19, 2019.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Lower Mahanoy Township Municipal Authority (Public Water Supply), Northumberland County:** On February 26, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Lower Mahanoy Township Municipal Authority community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operation Permit** issued to **Aqua PA Shenango**, **PWSID No. 6430054**, City of Hermitage, **Mercer County**. Permit Number 4300503-T1-MA13 issued February 22, 2019 for the operation of the East State Street tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 14, 2019.

**Operation Permit** issued to **Aqua PA Warren District**, **PWSID No. 6620020**, Conewango Township, **Warren County**. Permit Number 3103-T1-MA5 issued February 25, 2019 for the operation of the renovated Tanner Hill Tank No. 1. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on January 22, 2019.

**Emergency Operation Permit** issued to **Hilltop Mini Mart**, **PWSID No. 5100937**, Oakland Township, **Butler County**. Permit Number 5100937-19E1 issued February 21, 2019 for the installation and temporary operation of a 2,500 gallon water storage tank, service line, pressure tank and jet pump.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**WA 07-308C, Water Allocations. Hollidaysburg Borough Authority (PWS ID No. 4070017), Blair County.** The Hollidaysburg Borough Authority has submitted a water allocation application for the right to purchase up to 1.45 million gallons per day, based on a thirty (30) day

average, from the Altoona Water Authority. Permittee Contact: Richard A. Mingle, Chairman, Hollidaysburg Borough Authority, 401 Blair Street, Hollidaysburg, PA 16648. Consulting Engineer: David R. Stiffler, P.E., Stiffler, McGraw & Associates, Inc., 19 N Juniata Street, Hollidaysburg, PA 16648. Permit Issued: 2/19/2019.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Plan Location:

Borough or Township	Borough or Township Address	County
Walker Township	P.O. Box 116 McConnellstown, PA 16660	Huntingdon

*Plan Description:* Approval of a revision to the official plan of Walker Township, Huntingdon County. The project is known as Karen Johnson Property SFTF. The plan provides for the installation of a small flow treatment facility with a discharge to an unnamed tributary to Crooked Creek, to replace a failing on-lot sewage disposal system for two single-family dwellings. The proposed development is located along Redstone Ridge Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-31945-077-3s and the APS Id is 975847. Any permits must be obtained in the name of the property owner.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

##### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk

assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**500 Turner Industrial Way**, 500 Turner Industrial Way, Aston Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Whitney Bachrach, PAREC Aston Plaza Associates, LP, 725 Skip-pack Pike, P.O. Box 1205, Blue Bell, PA 19422 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**300-302 MacDade Boulevard Property**, Collingdale Borough, **Delaware County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19504 on behalf of David D. Waltz, The Bryn Mawr Trust Company, 801 Lancaster Avenue, Bryn Mawr, PA 19010 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Dreshertown Plaza**, 1442 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Jim Bladel, Dreshertown Plaza, LP, 1301 Lancaster Avenue, Berwyn, PA 18312 submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Hoff Property**, 1615 Hambone Lane, Upper Black Eddy, Bridgeton Township, **Bucks County**. Karen Polidoro, EnviroTrac Ltd, 400 Corporate Court, Suite E, South Plainfield, NJ 07080 on behalf of Alex Wozniak, Traveler's, 111 Schilling Road, Hunt Valley, MD 21031 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**South Philadelphia Shopping Center**, 2301-2311 Oregon Avenue, City of Philadelphia, **Philadelphia County**. Jeff Walsh, Penn Environmental and Remediation, Inc, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Ehud Kupperman, Cedar Realty Trust, Inc, 44 South Bayles Avenue, Port Washington, NY 11050 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated vola-

tile organic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Lillian Wolf Property**, 717 North Hokendauqua Drive, Moore Township, **Northampton County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Lillian Wolf, 1063 Mosser Road, Apartment Q107, Breinigsville, PA 18031, submitted a final report concerning remediation of site soil and groundwater contaminated with heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Duffe Property**, 118 Lakeshore Drive, New Milford Township, **Susquehanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Duffe's Lakeshore LLC, 118 Lakeshore Drive, New Milford, PA 18834, submitted a final report concerning remediation of site soil and groundwater contaminated with heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Breon Compressor Station**, 208 Harris Road, Mansfield, Sullivan Township, **Tioga County**. SWEPI, LP, 12880 Route 6, Wellsboro, PA 16901 has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Kelly Residence**, 53 S. 4th Street, Lewisburg Borough, **Union County**. Molesevich Environmental, LLC, P.O. Box 654, Lewisburg, PA 17837, on behalf of William J. & Jacqueline L. Kelly, 53 S. 4th Street, Lewisburg, PA 17837, has submitted a Remedial Investigation Report & Final Report and Cleanup Plan concerning remediation of site soil contaminated with # 2 heating oil and 1,2,4 Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**162 Seneca School Road Property** 162 Seneca School Road, Jackson Township, **Butler County**. Liberty Environmental, Inc, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Santander Bank, NA, 2 Morrissey Boulevard, Dorchester, MA 02125-3312, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ceriani Transport Accident Site**, 4300, 4322, & 4347 Route 219, Snyder Township, **Jefferson County**. LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Ceriani Transportation, Inc., 61274 Toby Road, Brockport, PA 15823, submitted a Final Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, naphthalene, toluene,

1,2,4-TMB, 1,3,5-TMB, MTBE, and cumene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Former Cramp Shipyard Site**, 2001 Richmond Street, 2005 Richmond Street and 2001 Beach Street,

City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of James Anderson, Dyott Corporation/Columbus Boulevard Associates, LP/Beach Street Corporation, 6958 Torresdale Avenue, Suite 200, Philadelphia, PA 19135 submitted a Final Report concerning the remediation of site groundwater contaminated with PAHs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on January 18, 2019.

**2935-2965 North 2nd Street**, 2935-2965 North 2nd Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, Inc., Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Maria Gonzalez, Hispanic Association of Contractors and Enterprise, 167 West Allegheny Avenue, Suite 200, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PAHs. The Report was approved by the Department on January 22, 2019.

**Turkey Hill 82**, 1074 Gap Newport Pike, West Fallowfield Township, **Chester County**. Carl G. Rinkevich II, Reliance Environmental, Inc, 235 North Duke Street, Lancaster, PA 17602 on behalf of Jim Claytor, Turkey Hill Mini Markets, 257 Centerville Road, Lancaster, PA 17602 submitted a 90-day Final Report concerning the remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrate attainment of the Statewide health standard and was approved by the Department on January 17, 2019.

**VMM Eckman LP**, 4581 Lower Valley Road, West Sadsbury Township, **Chester County**. Colleen Costello, GHD Services, Inc., 1140 West Road, Suite 120, North Wales, PA 19454 on behalf of Tom Estock, Quad Graphics, Inc., N61 W23044 Harry's Way, Sussex, WI 53089-3995 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with benzene, toluene, TCE, lead, arsenic and chromium. The Report was disapproved by the Department on January 28, 2019.

**University of Penn-Hutchinson Gym**, 219 South 33rd Street, City of Philadelphia, **Philadelphia County**. Christopher Milone, Brown and Caldwell, 534 Route 38 East, Suite 355, Cherry Hill, NJ 08002 on behalf of Kyle Rosato, Trustees of the University of Pennsylvania, 3160 Chestnut Street, Suite 400, Philadelphia, PA 19104 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with lead. The Report was disapproved by the Department on January 29, 2019.

**Bridesburg Riverfront Park**, 3101 Orthodox Street, City of Philadelphia, **Philadelphia County**. Spencer Finch, Langan Engineering & Environmental Services, 1818 Market Street, Suite 3300, Philadelphia, PA 19103 submitted a Risk Assessment Report/Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with lead, PAHs and arsenic. The Report was disapproved by the Department on January 22, 2019.

**Ashbourne Meadows**, 1100 Ashbourne Road, Cheltenham Township, **Montgomery County**. Michael Potts, Terraphase Engineering Inc., 110 Canal Point Boulevard, Suite 108, Princeton, NJ 08540 on behalf of Kenneth Griffin, Matrix/Ashbourne Associates, LP, Forsgate Drive CN400, Cranbury, NJ 08512 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics and lead. The

Final Report demonstrated attainment of the site-specific standard and was approved by the Department on January 22, 2019.

**Armstrong Engineering Associates, Inc.**, 1845 West Strasburg Road, West Bradford Township, **Chester County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 1440 on behalf of Eric A. Nicholas, Armstrong Engineering Associates, Inc., 1845 West Strasburg Road, Coatesville, PA 19320 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOCs and chlorinated hydrocarbons. The Final Report did not demonstrate attainment of the site-specific standard and was disapproved by the Department on January 14, 2019.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Williams Companies-Rattlesnake Hill Facility**, 87 Fuller Road, Auburn Township, **Susquehanna County**. Apex Companies, 20 Valley Stream Parkway, Suite 270, Malvern, PA 19355, on behalf of Williams Companies, 400 IST Center, Horseheads, NY 14845, submitted a revised Final Report concerning remediation of site soils contaminated with # 2 heating oil and leaded gasoline. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on February 22, 2019.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**MDS Trucking LLC Diesel Fuel Release Site**, 951, 953, 955, 957, 959, 961, 963 New Castle Road (SR 108) & Parcel ID 330-4F86-7AA1 (no address) adjacent to New Castle Road, Worth Township, **Butler County**. Insite Group, Inc., 611 S. Irvin Avenue, Sharon, PA 16146, on behalf of MDS Trucking, LLC, 1570 Springfield Road, Penn Run, PA 15765, submitted a Final Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, cumene, toluene, methyl tert butyl ether, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 6, 2019.

**162 Seneca School Road Property**, 162 Seneca School Road, Jackson Township, **Butler County**. Liberty Environmental, Inc, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Santander Bank, NA, 2 Morrissey Boulevard, Dorchester, MA 02125-3312, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Report was disapproved by the Department on February 21, 2019.

**Ceriani Transport Accident Site**, 4300, 4322, & 4347 Route 219, Snyder Township, **Jefferson County**. LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Ceriani Transportation, Inc., 61274 Toby Road, Brockport, PA 15823, submitted a Final Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, naphthalene, toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and cumene. The Report was disapproved by the Department on February 25, 2019.

## REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Registration No. WMGR123NC035. SWN Production Company, LLC**, 917 State Route 92 N., Tunkhannock, PA 18657. Registration to operate the Lepley Water Transfer Facility under General Permit No. WMGR123NC035 for the processing prior to beneficial use of oil and gas waste for use as a water supply to develop or hydraulically fracture an oil or gas well. The registration was issued by Northcentral Regional Office on February 14, 2019.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability Approved Under the Solid Waste Management Act of July 7, 1980, P.L. 380, (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGM019SW005. A&S Landscaping, Inc.**, 2150 Washington Road, Canonsburg, PA 15317. A&S Landscaping Inc., Washington Road Facility, 2150 Washington Road, Canonsburg, PA 15317. A determination of applicability to operate under municipal waste general permit WMGM019 for the processing of waste concrete and asphalt to produce a roadway construction material and for the processing of wood waste, uncontaminated soil and leaf and yard waste to produce topsoil, landscaping mulch material and compost in North Strabane Township, **Washington County**, was approved in the Regional Office on February 21, 2019.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.



### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit No. WMGR081SC002. Precision Recyclers, Inc.**, 104 South 18th Street, Harrisburg, PA 17104 in the City of Harrisburg, **Dauphin County**. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGR081 to Precision Recyclers, Inc. for the processing of uncontaminated and source-separated electronic devices by disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility. This Determination of Applicability was issued on February 21, 2019.

Persons interested in reviewing this general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 300725. Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3402. This permit is for a 10-year renewal for continuing operations at the Neshaminy Falls Residual Waste Landfill, a captive Class III residual waste landfill for disposal of water treatment sludge, located at 2520 West Lincoln Highway in Middletown Township, **Bucks County**. The permit was issued by the Southeast Regional Office on January 23, 2019.

Persons interested in reviewing the permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-58-058: Airport Sand & Gravel Co., Inc.** (500 Sweetland Lane, West Wyoming, PA 18644) on February 14, 2019, for the construction and operation of a portable stone crushing plant at the facility located in Lenox Township, **Susquehanna County**.

**GP9-58-058: Airport Sand & Gravel Co., Inc.** (500 Sweetland Lane, West Wyoming, PA 18644) on February 14, 2019, for the construction and operation of diesel fired internal combustion engines at the facility located in Lenox Township, **Susquehanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP14-22-03101: Wiedeman Funeral Home & Cremation Services, Inc.** (357 South Second Street, Steelton, PA 17113) on February 14, 2019, for a new human crematory, under GP14, at the facility located in Swatara Township, **Dauphin County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**GP3-37-332G: Amerikohl Aggregates, McMillin Mine** (1384 State Route 711, Stahlstown, PA 15687) on February 15, 2019, for the authority to install a 600 tph capacity Metso Nordberg model LT120 jaw crusher, a 300 tph capacity Metso Nordberg model NP1213M impact crusher, Metso Model TK11-42-2V grizzly feeder, two (2) Metso model ST620 3-deck screens, and 19 associated conveyors (BAQ-GPS/GP3) located at their facility in Wayne Township, **Lawrence County**.

**GP11-37-332L: Amerikohl Aggregates, McMillin Mine** (1384 State Route 711, Stahlstown, PA 15687) on February 15, 2019, for the authority to install two (2) 415 bhp Caterpillar C13s, a 347 bhp Caterpillar C9, and a 173 bhp Caterpillar C6.6 diesel-fired generator engine. (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**35-00003B: Scranton Army Ammunition Plant** (156 Cedar Avenue, Scranton, PA 18506) on February 20, 2019 for the operation on a welding line and descaling operation with baghouses at the site located in Scranton, **Lackawanna County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**59-00021B: Phoenix Resources, Inc.** (782 Antrim Rd., Wellsboro, PA 16901) on February 13, 2019, to construct and operate a 40,000 gallon per day capacity Heartland leachate evaporator/concentrator equipped with an 18 MMBtu/hr ABUTECH, or equivalent, natural gas-fired flare, at the existing Phoenix Resources Landfill located in Duncan Township, **Tioga County**. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00021B, the terms and conditions of the plan approval will subsequently be incorporated via administrative amendment into State Only Operating Permit 59-00021 in accordance with 25 Pa. Code § 127.450.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**AMS IP18-000352: Kinder Morgan Liquid Terminals, LLC—Point Breeze Terminal** (6310 West Passyunk, Philadelphia, PA 19153) issued on February 19, 2019 to increase the facility's gasoline throughput from 353,000,000 to 424,400,000 gallons per year and correct the tank type for five (5) gasoline storage tanks to internal floating roof. The plan approval includes a change to the facility's hourly and annual emission limits for gasoline loading. The potential emissions from the facility are limited to less than 41.55 tons per rolling 12-month period of VOCs, 10 tons per rolling 12-month period of individual Hazardous Air Pollutants (HAPs), and 25 tons per rolling 12-month period of combined HAPs. The plan approval contains operating, monitoring, testing, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**18-00011J: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on February 8, 2019, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from February 9, 2019 to August 8, 2019 at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

**08-00009A: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Houston, TX 77002) was issued an extension to plan approval for an additional 180 days from February 23, 2019, to August 22, 2019, to permit continued operation of their Solar Titan 130 Gas Turbine (Source ID P201) pending completion of the compliance evaluation on the source. The source is located in Wyalusing Township, **Bradford County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-182C: Wheatland Tube Co., Council Ave. Plant** (P.O. Box 608, Wheatland, PA 16161) on February 21, 2019, effective February 28, 2019, has issued a plan approval extension for the installation of a cyclone and baghouse in Wheatland Borough, **Mercer County**. This expires August 31, 2019. This is a Title V facility.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**15-00054: Highway Materials, Inc.** (409 Stenton Ave., Flourtown, PA 19031) On February 15, 2019 for renewal of the State Only Operating Permit for its Malvern Plant 13, a batch asphalt plant located in East Whiteland Township, **Chester County**. The renewal also incorporated General Permits GP3-46-0153 and GP9-46-0102 for a portable crusher and its associated engine.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.*

**54-00017: Lehigh Asphalt Paving and Construction Co.** (P.O. Box 1089, Glenside, PA 19038). On February 25, 2019 the Department issued a renewal State-Only Synthetic Minor Permit for the Andreas Quarry located in West Penn Township, **Schuylkill County**. This facility operates an asphalt plant and a crushing plant. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**64-00015: Bedrock Quarries, Inc.** (2052 Lucon Road, Skippack, PA 19474-0196). On February 22, 2019 the Department issued a renewal State-Only Natural Minor Permit for the Bedrock Quarry located in Damascus Township, **Wayne County**. A rock crushing plant is operated at the quarry. The control device is a wet suppression system. The source is considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**01-05030: Hanover Prest Paving Co.** (240 Bender Road, Hanover, PA 17331-9079) on February 13, 2019, for the batch asphalt plant located in Mount Pleasant Township, **Adams County**. The State-only permit was renewed.

**06-03054: Martin Stone Quarries, Inc.** (1355 North Reading Avenue, Bechtelsville, PA 19505-9236) on February 13, 2019, for the stone crushing and soil processing operations at the quarry located in Colebrookdale Township, **Berks County**. The State-only permit was renewed.

**67-05140: Bulk Dried Materials LLC** (900 North Hartley Street, York, PA 17404-2865) on February 13, 2019, for the thermal sand dryer facility located in York City, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**14-00021: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) on February 13, 2019, was issued a renewal State Only (Synthetic Minor) operating permit for their Curtin Gap Crushing Plant 139 located in Marion Township, **Centre County**. The State Only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**33-00139: Owens-Brockway Glass Container, Inc.,** (Two O-I Plaza, One Michael Owens Way, Perrysburg, OH 43551). On February 21, 2019, the Department renewed a State Only Operating Permit for the glass container machine and maintenance Plant # 76 located at 4189 Route 219, Brockport, in Snyder Township, **Jefferson County**. The primary sources at the facility are two 2.3 million Btu/hr natural gas fueled boilers, 13 natural gas fueled space heaters, machining and maintenance operations, 2 parts washers, a paint booth, and two 3.5 kW natural gas fuel emergency generators. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ, the NESHA for RICE. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00356: Linde Gas North America LLC** (200 Somerset Corporate Blvd., Suite 7000, Bridgewater, NJ 08807). The Department on February 20, 2019, issued an administrative amendment of the State Operating Permit for the facility to incorporate the change of ownership, Tax ID, and responsible official. The facility is located in Butler City, **Butler County**.

**20-00040: Advanced Cast Products** (18771 Mill Street, Meadville, PA 16335-3644). The Department on February 19, 2019, issued an administrative amendment of the Title V Operating Permit for the facility to incorporate the conditions of Plan Approval 20-040J. The facility is located in Vernon Township, **Crawford County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**30841601. Consol Mining Company LLC** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Robena Preparation Plant in Monongahela Township, **Greene County**. No discharges. The application was considered administratively complete on August 16, 2016. Application received March 4, 2016. Permit issued: February 22, 2019.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 11850107 and NPDES No. PA0597341. Rosebud Mining Co.,** 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Portage Township, **Cambria County** affecting 85.7 acres. Receiving streams: unnamed tributary to/and Spring Run; unnamed tributary to/and Trout Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received: August 1, 2018. Permit issued: February 21, 2019.

### Noncoal Permits Issued

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**57000301 and NPDES PA0242811. Dushore Materials LLC** (8724 Route 220, Dushore, PA 18614). Transfer of an existing large noncoal mine from H&K Group, Inc. located in Cherry Township, **Sullivan County** affecting 157.3 acres. Receiving stream(s): UNT to Birch Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 30, 2018. Permit issued: February 4, 2019.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**42194001. PA General Energy Co., LLC** (120 Market Street, Warren, PA 16356). Blasting activity permit for construction blasting in Norwich Township, **McKean County**. This blasting activity permit will expire on July 1, 2019. Permit issued: February 21, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**59194102. Wampum Hardware Company** (636 Paden Road, New Galilee, PA 16141). Blasting for commercial development in Liberty Township, **Tioga County** with an expiration date of December 31, 2019. Permit issued: February 19, 2019.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**031984001. Precision Geophysical, Inc.** (2695 State Route 83 South, Millersburg, OH 44654). Blasting activity permit for the construction of the McIntyre 2D, to conduct seismic activity located in South Buffalo, Gilpen and Bethel Townships, **Armstrong County** with an expiration date of January 21, 2020. Blasting permit issued: February 19, 2019.

**63194104. Wampum Hardware Company** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction/demolition of the Arden Landfill, located in Chartiers Township, **Washington County** with an expiration date of December 31, 2020. Blasting permit issued: February 19, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.*

**Permit No. 38194101. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Strathford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of December 31, 2019. Permit issued: February 20, 2019.

**Permit No. 06194104. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), blasting for the Conestoga Landfill in New Morgan Borough, **Berks County** with an expiration date of February 22, 2020. Permit issued: February 22, 2019.

**Permit No. 23194103. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Granite Run Wawa in Middletown Township, **Delaware County** with an expiration date of February 20, 2020. Permit issued: February 22, 2019.

**Permit No. 48184114. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Ultra Poly Corp. Building 2 in Upper Mt. Bethel Township, **Northampton County** with an expiration date of February 22, 2020. Permit issued: February 22, 2019.

**Permit No. 48194102. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Chrin Commerce Center in Tatamy Borough

and Upper Nazareth Township, **Northampton County** with an expiration date of February 28, 2021. Permit issued: February 22, 2019.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.*

**E63-718, PennDOT District 12-0,** 825 North Gallatin Avenue Extension, Uniontown, PA 15401, California Borough, **Washington County,** Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing 14' wide bridge with a minimum underclearance of 6.27' carrying SR 2030 over Gorby Run (TSF) having a drainage area of 1.01 square mile; construct and maintain a 52.8' wide replacement bridge with a minimum underclearance of 5.45' in the same location.

2. Upstream from the bridge, construct and maintain 128' of R-6 rip-rap streambank stabilization along Gorby Run.

3. In addition, construct and maintain roadway associated stormwater facilities and temporarily impact 502' of Gorby Run for the purpose of constructing these encroachments. No mitigation is required.

This project is located approximately 2 miles northwest of California, PA near the intersection of SR 2030 (California Drive) and North California Drive (California, PA Quadrangle; Latitude: 40° 5' 6.5797"; Longitude: -79° 55' 27.5977"; Sub-Basin 19C; USACE Pittsburgh District) in California Borough, Washington County.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-115-18-0078  
Applicant Name Cabot Oil and Gas Corporation  
Contact Person Kenneth Marcum  
Address 2000 Park Lane, Suite 300  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Harford Twp.  
Receiving Stream(s) and Classification(s) Nine Partners Creek (CWF) and Butler Creek (CWF-MF)

ESCGP-3 # ESG32900918-002  
Applicant Name Columbia Gas Transmission LLC  
Contact Person William Timmermeyer  
Address P.O. Box 1273, 1700 Maccorkle Ave SE  
City, State, Zip Charleston, WV 25325-1273  
County Bedford  
Township(s) Monroe Twp.  
Receiving Stream(s) and Classification(s) UNTs of Wilson Run (HQ CWF-MF) and Town Creek, Basin (HQ CWF-MF)

ESCGP-3 # ESG32900918-001  
Applicant Name Columbia Gas Transmission LLC  
Contact Person William Timmermeyer  
Address P.O. Box 1273, 1700 Maccorkle Ave SE  
City, State, Zip Charleston, WV 25325-1273  
County Bedford  
Township(s) Mann Twp.  
Receiving Stream(s) and Classification(s) UNTs of Piney Creek (EV-MF) and Sideling Hill Creek Basin (EV-MF)

### CORRECTIVE ACTION UNDER ACT 32, 1989

#### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Liberty Coca Cola Beverages LLC, 51-27187, 725 E Erie Ave, City of Philadelphia.** Whitestone Associates,

Inc., New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of The Coca-Cola Company, 1 Coca Cola Plaza Northwest, Atlanta, GA 30313 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

**Wolfsons**, 51-08329, 959 N 8th St, **City of Philadelphia**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Wolfson's Inc., 959 North 8th Street, Philadelphia, PA 19123-1303 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**Monroe Energy LLC—Trainer Refinery**, 23-41511, 4101 Post Rd., Trainer Borough, **Delaware County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Phillips 66 Remediation Management, 1400 Park Ave., Linden, NJ 07036 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet a combination of nonresidential Statewide health standards and site specific standards.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**One Stop Fuel (RK Food Mart)**, Storage Tank ID # 54-28002, 704 Claremont Avenue, Rush Township, **Schuylkill County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Ranchod Krupa Food Mart LLC, 704 Claremont Avenue, Tamaqua, PA 18252, has submitted a Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Losch Building**, Storage Tank ID # 54-52708, 400 West Columbia Street, Schuylkill Haven Borough, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of Losch Boiler Sales and Service Company, 3023 Sequoia Drive, Macungie, PA 18062 has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Site Specific Standards.

**Pump-n-Pantry 001**, Storage Tank ID # 58-13092, 99 Grow Avenue, Bridgewater Township, **Susquehanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pump-n-Pantry Inc., 100 Grow Avenue, Montrose, PA 18801 has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**GetGo # 3149**, Storage Tank Primary Facility ID # 07-37967, 100 West Plank Road, Altoona, PA 16602, Altoona City, **Blair County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Giant Eagle, Inc., 701 Alpha Drive, Pittsburgh, PA 15238, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contami-

nated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Longstown Exxon 18**, Storage Tank Primary Facility ID # 67-17543, 2905 E. Prospect Road, York, PA 17402, Windsor Township, **York County**. Buchart Horn, The Russel E. Horn Building, 445 West Philadelphia Street, P.O. Box 15040, York, PA 17405, on behalf of Shipley Energy, 415 Norway Street, York, PA 17403, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gettysburg Petroleum**, Storage Tank Primary Facility ID # 01-24127, 225 York Street, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Sunoco, Inc., 3801 West Chester Pike, Newtown Square, PA 19073 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Miller Gas & Oil Service, Inc.—Shamokin Petroleum Facility**, Storage Tank Primary Facility ID # 49-08500, 5607 State Route 61, Shamokin, Ralpho Township, **Northumberland County**. ARM Environmental Compliance, 341 Willow Lane, Mill Hall, PA 17751, on behalf of Miller Gas & Oil Service, Inc., 5607 State Route 61, Shamokin, PA submitted a Remedial Action Completion Report concerning remediation of soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the

remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**CF Mart # 3035**, Storage Tank ID # 58-39706, 3615 State Route 374, Lenox Township, **Susquehanna County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Convenient Food Marts of Pennsylvania, 215 Clark Avenue, Clarks Summit, PA 18411 submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standards. The combined Site Characterization Report and Remedial Action Plan was acceptable to meet Statewide Health Standards for groundwater and was approved by DEP on February 20, 2019.

**Turkey Hill # 196**, Storage Tank ID # 40-52120, 198 North Pennsylvania Avenue, Wilkes-Barre City, **Luzerne County**. McKee Environmental, 218 Washington Avenue, Bellefonte, PA 16823 on behalf of Turkey Hill LP, c/o Kroger Business License, P.O. Box 305103, Nashville, TN 37230-5103 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved by DEP on February 22, 2019.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Eisenhauer Nissan**, 06-35067, Route 422, Wernersville, **Berks County**. Liberty Environmental Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Eisenhauer Nissan, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Used Aquifer Residential Statewide Health Standard for groundwater and the Site-Specific Standard via Pathway Elimination for soil, and was approved by the Department on February 22, 2019.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Joy Cone**, Storage Tank Primary Facility ID # 43-16530, 3435 Lamor Road, City of Hermitage, **Mercer County**. Compliance Environmental Services, 6700 Kirila Boulevard, Hermitage, PA 16148, on behalf of Joy Cone Company, 3435 Lamor Road, Hermitage, PA 16148 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, tolu-

ene, ethylbenzene, total xylenes, methyl tertiary butyl ether (MTBE), cumene, and naphthalene. The Remedial Action Plan was not acceptable to meet the Statewide Health Standard and was disapproved by the Department on February 1, 2019.

**Tic Toc Food Mart 104**, Storage Tank Primary Facility ID # 37-05179, 1001 Mount Jackson Road, North Beaver Township, **Lawrence County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Timothy Pitzer, 547 Mount Jackson Road, New Castle, PA 16102-2619 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, and methyl tert butyl ether. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on February 20, 2019.

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## SPECIAL NOTICES

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*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

Notice is hereby given that the Department of Environmental Protection (Department) has requested a Stage 3 (FINAL) Bond Release for Coal Mining Activity Permit Number 35A77SM4 (Cross Mine) which was originally issued on September 9, 1977. This release is being requested pursuant to the Surface Mining Conservation and Reclamation Act.

The reclaimed mine site for which the bond release is being requested consists of 7.5 acres and is located on the current Buffalo Valley LTD property in East Franklin Township, Armstrong County. The mine site is located at the intersection of Sotos Road and T530 as shown on the Kittanning 7.5-minute USGS topo map. Bond release is being requested for \$3,085.00 on 7.5 acres. The Stage 3 area has been revegetated for over five years and is capable of supporting the post-mining land use.

Written comments, objections or a request for a public hearing or informal conference may be submitted to the Department of Environmental Protection, New Stanton District Office, 131 Broadview Road, New Stanton, PA 15672 within thirty (30) days from the date of the final (4th) publication of this notice and must include the person's name, address, telephone number and a brief description as to the nature of the objections.

[Pa.B. Doc. No. 19-326. Filed for public inspection March 8, 2019, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988; Calendar Year 2018**

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (3 P.S. § 4000.904). Municipalities include counties,

cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2018.

Municipal Recycling Program Performance Grant (Performance Grant) funds will be awarded to municipalities based upon the weight of source-separated recyclable materials identified in section 1501(c)(1)(i) of Act 101 (53 P.S. § 4000.1501(c)(1)(i)) recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Due to funding available for the Recycling Performance Grant program for calendar year 2018, the funding formula has been amended from previous years which will increase individual grants by an extra 20%.

For residential tonnage, municipalities that market some or all of their own material are not subject to the 20% residue deduction for those materials. Marketed means that the materials were sold to a manufacturer for the purposes of converting the recyclables into new product. Compensation/rebates from a collector or processor do not count as the marketing of materials.

Materials that go to a second-hand processor are subject to the 20% residue deduction—weight receipts from that entity cannot be considered as market receipts for the municipality (the processor cannot prorate marketed materials to one or more municipalities).

For commercial tonnage, materials that go directly from the generator to a market can be exempt from the 20% rate. Documentation must include a statement from the commercial entity or home office of the commercial entity that the materials are directly marketed without further processing. Any commercial materials that are sorted/processed after leaving the generator are subject to the 20% residue rate.

If an application is claiming an overall residue rate of less than 20%, it must describe why and supply supporting documentation to justify the claim.

Multi-municipal applications under the Act 101, Section 904 Recycling Performance Grant Program will only be accepted by the Department from the following:

A. Council of governments, consortiums or other similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A.

B. Two or more municipalities where the collection of recyclables has been accomplished either through a joint bid for services or a joint municipally-operated collection system (curbside or drop-off) accompanied by a joint recycling education program.

Any application submitted jointly to the Department by two or more municipalities that does not meet one of the previously listed criteria will be held until the participating municipalities supply individual applications. Submittals from county governments are not considered multi-municipal applications and are therefore not subject to these criteria.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling program performance requirements in the act of Novem-

ber 9, 2006 (P.L. 1347, No. 140), of the grant requirements of Act 101 or the regulations of Act 101 may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) (relating to limits on Department's authority to award grants).

Eligible materials include post-consumer: clear glass; colored glass; aluminum cans; steel and bimetallic cans; high-grade office paper; newsprint; corrugated paper; other marketable grades of paper; and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2018, to and including December 31, 2018. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible, or materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit.

Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application.

Grant applications must be on forms provided by the Department for calendar year 2018. Grant applications must be delivered by 4 p.m. on September 30, 2019, or postmarked on or before this date. Applications received by the Department after the deadline will be returned to the applicant. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Applications may be obtained from the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (keyword: Recycling Performance Grants). Questions concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472 or [mvottero@pa.gov](mailto:mvottero@pa.gov).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-327. Filed for public inspection March 8, 2019, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Citizens Advisory Council Meeting Cancellation

The March 19, 2019, meeting of the Citizens Advisory Council (Council) is cancelled. The next regular meeting of the Council is scheduled for Tuesday, April 16, 2019, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the Council's next scheduled meeting may be directed to Keith Salador at [ksalador@pa.gov](mailto:ksalador@pa.gov) or (717) 787-8171. The agenda and meeting materials for all Council meetings will be available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Citizens Advisory Council (CAC)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-328. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions), specifically the definition of "nurse aide":

Highland Park Care Center  
745 North Highland Avenue  
Pittsburgh, PA 15206  
FAC ID # 084902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Artman Lutheran Home  
250 North Bethlehem Pike  
Ambler, PA 19002  
FAC ID # 011102

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Chandler Hall Health Services, Inc.  
99 Barclay Street  
Newtown, PA 18940  
FAC ID # 011102

Meyersdale Healthcare and Rehabilitation Center  
201 Hospital Drive  
Meyersdale, PA 15552  
FAC ID # 136802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facil-

ities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-329. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Incentive Payments Posted for Cost Reports Ending December 31, 2017

This notice announces that the Department of Human Services (Department) made disproportionate share incentive payments to each qualified nursing facility with an acceptance letter mailed by the Department on or before July 25, 2018, for 12-month MA-11 Cost Reports ending December 31, 2017. Payment information was posted to the Department's web site at <http://dhs.pa.gov/provider/longtermcarecasemixinformation/disproportionate%20incentivepaymentsdisproportionateshare%20incentive%20payments/index.htm>.

#### Appeals

Individuals who wish to appeal must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should also be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 8th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

#### Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of

Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1309. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-330. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for December 2018

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for December 2018.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for December 2018 was posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Richard Dash, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1312. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-331. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for September 2018

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for September 2018.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for September 2018 was posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1308. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-332. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments for Fiscal Year 2018-2019—First Payment

This notice announces that the Department of Human Services (Department) made the first payment of Medical

Assistance Day One Incentive (MDOI) payments to each qualified nonpublic nursing facility for Fiscal Year (FY) 2018-2019. Each nursing facility may qualify for a maximum of two payments.

#### *Payment Information*

The Department made the first nonpublic nursing facility MDOI payment for FY 2018-2019 to qualifying nonpublic nursing facilities.

Payment information for the first nonpublic nursing facility MDOI payment was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcare/casemixinformation/nonpublicmdoi/index.htm>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Richard Dash, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1313. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-333. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nursing Facilities; Health Care-Associated Infection Payments Posted for Cost Reports with Acceptance Letters Mailed on or Before August 8, 2018

This notice announces that the Department of Human Services (Department) made health care-associated infection (HAI) payments to each qualified nursing facility for MA-11 Cost Reports with acceptance letters mailed on or before August 8, 2018.

#### *Payment Information*

Payment information for the Medical Assistance (MA) portion of the annual HAI surcharge for MA-11 cost reports with acceptance letters mailed by the Department

on or before August 8, 2018, is posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm>.

#### *Appeals*

If a facility wishes to appeal, they must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, they specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1307. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-334. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Supplemental Payments to Qualifying Hospitals with High Medical Assistance Graduate Medical Education and Changes to Disproportionate Share and Supplemental Payment Reconciliation Process

The Department of Human Services (Department) is providing final notice of its establishment of High Medical Assistance (MA) Graduate Medical Education (GME) supplemental payment for qualifying hospitals that the Department has determined provide a high volume of services to MA beneficiaries. The Department also is providing final notice of its modification of the payment reconciliation process used for certain MA hospital payments.

The Department published notice of its intent to establish this new supplemental payment and modify the payment reconciliation process at 48 Pa.B. 5928 (September 22, 2018). The Department received no comments during the 30-day comment period and will implement the qualifying criteria, payment methodology and modifications as described in its notice of intent.

#### *Fiscal Impact*

Beginning with Fiscal Year 2018-2019, the Department will allocate an annualized amount of \$23.669 million for

high MA GME payments adjusted to reflect the reconciliation factor described in Part VI of the Pennsylvania State Plan.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1311. (1) General Fund; (2) Implementing Year 2018-19 is \$11,302,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$11,302,000; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-335. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Tuesday, March 19, 2019, at 10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, 1st Floor, Harrisburg, PA 17121.

The Americans with Disability Act contact is Nathan Clark at (717) 772-9162.

Questions concerning this meeting may be directed to Nathan Clark at (717) 772-9162.

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-336. Filed for public inspection March 8, 2019, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Innovation Council Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, March 13, 2019, from 9 a.m. to 12 p.m. in Conference Room 112, PEMA Headquarters Building, 1310 Elmerton Avenue, Harrisburg, PA. For more information, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-337. Filed for public inspection March 8, 2019, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The March 19, 2019, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, April 16, 2019, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727. The agenda and meeting materials for all Board meetings will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 19-338. Filed for public inspection March 8, 2019, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; April 2019

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 29 and 30, 2019, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	Manor Creek	Headwaters to Mouth	Spring Creek	40.347008 76.090637
Berks	UNT (RM 1.10) to UNT to Mill Creek (RM 0.48)	Headwaters to Mouth	UNT to Mill Creek (RM 0.48)	40.555171 75.805815
Berks	UNT to Mill Creek (RM 0.48)	Headwaters to Mouth	Mill Creek	40.542591 75.800182
Cambria	UNT to Kane Run (RM 1.46)	Headwaters to Mouth	Kane Run	40.371355 78.686289
Cambria	UNT to South Fork Little Conemaugh River (RM 9.60)	Headwaters to Mouth	South Fork Little Conemaugh River	40.300331 78.682268
Cambria	UNT to South Fork Little Conemaugh River (RM 9.94)	Headwaters to Mouth	South Fork Little Conemaugh River	40.296600 78.685540
Cameron	Beaverdam Run	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.361603 78.233718
Cameron	Stone Quarry Run (Water Plug Hollow)	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.352587 78.215649
Centre	Brower Hollow Run	Headwaters to Mouth	Bald Eagle Creek	40.921761 77.838165
Centre	Bush Hollow Run	Headwaters to Mouth	Bald Eagle Creek	40.913982 77.853294
Centre	Dicks Run	Headwaters to Mouth	Bald Eagle Creek	40.894167 77.889167
Centre	Greens Run	Headwaters to Mouth	Foster Joseph Sayers Lake	41.004662 77.683632
Centre	Lees Gap Run	Headwaters to Mouth	Little Fishing Creek	40.967000 77.602000
Centre	UNT to Benner Run	Headwaters to Mouth	Benner Run	40.930278 77.992222
Centre	UNT to Dicks Run (RM 0.42)	Headwaters to Mouth	Dicks Run	40.896847 77.895425
Centre	UNT to Elk Creek (RM 3.50)	Headwaters to Mouth	Elk Creek	40.905056 77.481254
Centre	UNT to Laurel Run (RM 2.14)	Headwaters to Mouth	Laurel Run	40.801158 77.573772
Centre	UNT to Lick Run (Howard) (RM 1.60)	Headwaters to Mouth	Lick Run (Howard)	41.005340 77.642280
Centre	UNT to Lick Run (Howard) (RM 2.47)	Headwaters to Mouth	Lick Run (Howard)	40.994684 77.641787
Centre	UNT to Penns Creek (RM 51.13)	Headwaters to Mouth	Penns Creek	40.853461 77.457289
Centre	UNT to Smays Run (RM 1.39)	Headwaters to Mouth	Smays Run	40.896967 78.019902
Centre	UNT to Wallace Run (RM 2.83; Left)	Headwaters to Mouth	Wallace Run	40.963966 77.841196
Chester	Marsh Creek	Headwaters to Marsh Creek Lake	East Branch Brandywine Creek	40.049444 75.719444
Chester	UNT to Pickering Creek (RM 4.45)	Headwaters to Union Hill Road (T-522)	Pickering Creek	40.100561 75.543666
Clearfield	Grapevine Run	Headwaters to Mouth	Mountain Run	41.205436 78.664779

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Clearfield	Middle Branch Wilson Run	Headwaters to Mouth	East Branch Wilson Run	41.234126 78.590038
Clearfield	Mill Run	Headwaters to UNT to Mill Run (RM 1.98)	Bennett Branch Sinnemahoning Creek	41.230124 78.546817
Clearfield	North Branch Montgomery Creek	Headwaters to Mouth	Montgomery Creek	41.035262 78.514495
Clearfield	Pete Buck Hollow Run	Headwaters to Mouth	Mountain Run	41.215186 78.648578
Clearfield	UNT to Big Run (Fairview) (RM 1.21)	Headwaters to Mouth	Big Run (Fairview)	41.053611 78.215278
Clearfield	UNT to Little Clearfield Creek (RM 6.69)	Headwaters to Mouth	Little Clearfield Creek	40.923682 78.483307
Clearfield	UNT to Mountain Lick Creek (RM 0.31)	Headwaters to Mouth	Mountain Lick Creek	41.223770 78.634160
Clearfield	UNT to Mountain Run (RM 1.15)	Headwaters to Mouth	Mountain Run	41.202174 78.610747
Clearfield	UNT to Mountain Run (RM 2.35)	Headwaters to Mouth	Mountain Run	41.211547 78.625807
Clearfield	UNT to Mountain Run (RM 3.00)	Headwaters to Mouth	Mountain Run	41.218893 78.631100
Clearfield	UNT to Muddy Run (RM 2.67)	Headwaters to Mouth	Muddy Run	40.792906 78.429044
Clearfield	UNT to Sandy Creek (RM 3.03)	Headwaters to Mouth	Sandy Creek	41.088788 78.192356
Clearfield	UNT to West Branch Susquehanna River (RM 173.55)	Headwaters to Mouth	West Branch Susquehanna River	40.993195 78.463821
Clearfield	West Branch Montgomery Creek	Headwaters to Mouth	Montgomery Creek	41.034809 78.520858
Clinton	UNT to Laurely Fork (RM 0.09)	Headwaters to Mouth	Laurely Fork	41.274590 77.768460
Elk	UNT to Paige Run (RM 0.14)	Headwaters to Mouth	Paige Run	41.272360 78.246097
Elk	Wainwright Run	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.335480 78.301930
Fayette	UNT to McIntire Run (RM 3.05)	Headwaters to Mouth	McIntire Run	39.816709 79.653631
Fayette	UNT to Tub Run (RM 1.04)	Headwaters to Mouth	Tub Run	39.781346 79.415039
Forest	UNT to Bobbs Creek (RM 0.35)	Headwaters to Mouth	Bobbs Creek	41.597126 79.215550
Forest	UNT to Bobbs Creek (RM 0.59)	Headwaters to Mouth	Bobbs Creek	41.599770 79.217210
Forest	UNT to Spring Creek (RM 11.14)	Headwaters to Mouth	Spring Creek	41.515615 78.993477
Forest	UNT to West Branch Millstone Creek (RM 4.27)	Headwaters to Mouth	West Branch Millstone Creek	41.405227 79.133583
Franklin	Dothan Run	Headwaters to Mouth	Conodoguinet Creek	40.072000 77.749790
Fulton	Meredith Run	Headwaters to Mouth	Laurel Fork	40.084730 78.157142

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Indiana	Risinger Run	Headwaters to Mouth	Findley Run	40.419356 78.973929
Indiana	UNT to Findley Run (RM 0.56)	Headwaters to Mouth	Findley Run	40.419778 78.992812
Jefferson	UNT to Clarion River (RM 69.51)	Headwaters to Mouth	Clarion River	41.366425 78.983315
Juniata	Barn Run	Headwaters to 0.5 mile downstream Tuscarora State Forest Boundary	Dougherty Run	40.424585 77.620686
Juniata	UNT to Dougherty Run (RM 2.26)	Headwaters to Mouth	Dougherty Run	40.424696 77.623248
Lackawanna	UNT to Rattlesnake Creek (RM 1.68)	Headwaters to Mouth	Rattlesnake Creek	41.313607 75.610217
Lackawanna	Van Brunt Creek	Headwaters to Mouth	Langan Creek	41.335000 75.518611
Luzerne	Monument Creek	Headwaters to Mouth	Trout Creek	41.325278 75.688333
McKean	Harrisburg Run	Headwaters to Mouth	Foster Brook	41.972805 78.588982
McKean	South Branch Knapp Creek	Headwaters to Baker Run	Knapp Creek	41.938186 78.464975
McKean	UNT (RM 0.99) to UNT to Lewis Run (RM 3.20)	Headwaters to Mouth	UNT to Lewis Run (RM 3.20)	41.829800 78.698727
Monroe	Indian Run	Headwaters to Mouth	Swiftwater Creek	41.101697 75.343971
Monroe	Mud Pond Run	Headwaters to UNT at RM 1.58	Brights Creek	41.243034 75.161365
Monroe	UNT to Cranberry Creek (RM 4.05)	Headwaters to Mouth	Cranberry Creek	41.140770 75.282560
Perry	Cove Creek	Headwaters to Watts Drive	Susquehanna River	40.370508 77.022396
Perry	UNT to Sherman Creek (RM 5.88)	Headwaters to Mouth	Sherman Creek	40.369246 77.087311
Perry	Wildcat Hollow Run	Headwaters to Mouth	Trout Run	40.276381 77.382873
Perry	Wolf Hollow Run	Headwaters to Mouth	Laurel Run	40.330803 77.361278
Pike	Dwarfs Kill	Headwaters to Mouth	Raymondskill Creek	41.305556 74.886944
Pike	Grassy Island Creek	Headwaters to Delaware State Forest Boundary	Lackawaxen River	41.457607 75.053012
Pike	Lords Creek	Headwaters to Mouth	Lackawaxen River	41.477316 75.001608
Pike	Spring Brook	Headwaters to Mouth	Blooming Grove Creek	41.432558 75.106948
Pike	Twin Lakes Creek	Headwaters to Mouth	Delaware River	41.437778 74.888611
Pike	UNT to Blooming Grove Creek (RM 2.91)	Headwaters to Mouth	Blooming Grove Creek	41.438252 75.101436
Pike	UNT to Brights Creek (RM 1.27)	Headwaters to RM 1.81	Brights Creek	41.259612 75.150585

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Pike	UNT to Delaware River (RM 277.0)	Headwaters to Mouth	Delaware River	41.480137 74.983353
Potter	UNT to East Branch Fishing Creek (RM 2.54)	Headwaters to Mouth	East Branch Fishing Creek	41.813897 78.106173
Potter	Young Hollow Run	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.591881 78.057541
Schuylkill	UNT (RM 0.37) to UNT (RM 0.92) to UNT to Pine Creek (Eckville)	Headwaters to Mouth	UNT (RM 0.92) to UNT to Pine Creek (Eckville)	40.640643 75.940605
Snyder	North Branch Middle Creek	Headwaters to Mouth	Middle Creek	40.767778 77.193889
Snyder	UNT (Bowersox Run) to Middle Creek (RM 15.05)	Headwaters to Mouth	Middle Creek	40.775188 77.069171
Somerset	Beaverdam Creek	Junction of Pickings Run and Card Machine Run to UNT at RM 1.86	Quemahoning Creek	40.154350 79.041824
Somerset	Big Shade Run	Headwaters to PA/MD State Line	Out of State	39.722106 79.166830
Somerset	UNT to Piney Run (RM 3.56)	Headwaters to Mouth	Piney Run	40.145024 78.728929
Susquehanna	Bear Swamp Creek	Headwaters to Mouth	Tunkhannock Creek	41.733056 75.632500
Susquehanna	Canawacta Creek	Confluences of East and South Branches to Mouth	North Branch Susquehanna River	41.955000 75.589444
Venango	Pine Run	Headwaters to Mouth	Stewart Run	41.487430 79.537400
Venango	Sugar Run	Headwaters to Mouth	Stewart Run	41.490300 79.530550
Venango	UNT to Cherry Run (RM 3.89)	Headwaters to Mouth	Cherry Run	41.497410 79.645730
Venango	UNT to Muskrat Run (RM 1.23)	Headwaters to Mouth	Muskrat Run	41.473350 79.575390
Venango	UNT to Sandy Creek (RM 8.58)	Headwaters to Mouth	Sandy Creek	41.354108 79.940272
Venango	UNT to Sandy Creek (RM 9.12)	Headwaters to Mouth	Sandy Creek	41.352778 79.950100
Warren	Vanarsdale Run	Headwaters to Mouth	North Branch Akeley Run	41.965170 79.090580
Wayne	Factory Creek	Headwaters to Mouth	Delaware River	41.857222 75.227500
Wayne	UNT to Delaware River (RM 306.60)	Headwaters to Mouth	Delaware River	41.778376 75.104845
Wayne	UNT to Little Equinunk Creek (RM 3.86)	Headwaters to Mouth	Little Equinunk Creek	41.809891 75.162817
Wayne	UNT to West Branch Delaware River (RM 3.29)	Headwaters to Mouth	West Branch Delaware River	41.953589 75.318015
York	Bull Run	Headwaters to Mouth	Susquehanna River	39.958245 76.483629
York	UNT to Muddy Creek (RM 5.16)	Headwaters to Mouth	Muddy Creek	39.765221 76.330210



The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	Ironstone Creek	Headwaters to South Ironstone Drive (SR 2049)	Headwaters to most upstream Winding Road Bridge (T-482)	Manatawny Creek	40.282222 75.685556
Clearfield	Moose Creek	Headwaters to 0.7 kilometer downstream Moose Creek Reservoir	Headwaters to Mouth	West Branch Susquehanna River	41.031111 78.437500
Columbia	Deerlick Run	Headwaters to second powerline crossing upstream of the Mouth	Headwaters to Mouth	Fishing Creek	41.070652 76.435887
Luzerne	Falls Run	Headwaters to T-307 (Mill Street) in Rock Glen	Headwaters to Mouth	Black Creek	40.974354 76.185059
Monroe	Leavitt Branch	Mountain Lake to Mouth	Outflow of Lake in the Clouds to Mouth	Middle Branch Brodhead Creek	41.196312 75.257266
Philadelphia	Schuylkill River	Big Creek to railroad bridge in northwest sector of Schuylkill Haven	Headwaters to railroad bridge in northwest sector of Schuylkill Haven	Delaware Estuary	39.884444 75.195278
Schuylkill	Locust Creek	Headwaters to Tuscarora Lake	Headwaters to Mouth	Little Schuylkill River	40.809167 75.996111
Snyder	Penns Creek	Headwaters to Henstep Run	Headwaters to SR 235 Bridge in Glen Iron	Susquehanna River	40.750000 76.857780
Snyder	South Branch Middle Creek	Headwaters to McClure	Headwaters to Mouth	Middle Creek	40.750833 77.235000

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Clearfield	Bear Run	Headwaters to Mouth	West Branch Susquehanna River	41.057860 78.308390

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 19-339. Filed for public inspection March 8, 2019, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; April 2019

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on April 29 and 30, 2019.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Cameron	Barrs Run (Stone Quarry Hollow)	1	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.359064 78.229416	50.17	2.22	—	2.34	2018
Cameron	Ellicott Run	1	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.325699 78.072482	52.10	1.19	—	1.94	2018
Cameron	Foley Branch	1	Headwaters to Mouth	Wykoff Run	41.279041 78.139221	42.35	3.40	—	2.72	2018
Cameron	Nanny Run	1	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.325278 78.149444	25.69	24.05	—	1.98	2018
Cameron	Trout Hole Run	1	Headwaters to Mouth	Wykoff Run	41.292500 78.116943	39.92	—	—	1.33	2018
Carbon	UNT to Mahoning Creek (RM 7.81)	1	Headwaters to Mouth	Mahoning Creek	40.790310 75.800095	9.86	44.01	—	3.66	2018
Centre	Hicklen Run	1	Headwaters to Mouth	Black Moshannon Creek	41.009572 77.979616	33.17	—	—	1.20	2018
Centre	UNT to Lick Run (Howard) (RM 2.47)	1	Headwaters to Mouth	Lick Run (Howard)	40.994684 77.641787	—	124.93	—	2.56	2018
Centre	UNT to Smays Run (RM 1.39)	1	Headwaters to Mouth	Smays Run	40.896967 78.019902	55.45	—	—	2.21	2018
Centre	UNT to Wallace Run (RM 2.83; Left)	1	Headwaters to Mouth	Wallace Run	40.963966 77.841196	0.35	51.62	—	2.37	2018
Clearfield	Mill Run	1	Headwaters to to Mill Run (RM 1.98)	Bennett Branch Sinnemahoning Creek	41.230124 78.546817	36.81	—	—	1.94	2018
Clearfield	UNT to Mountain Run (RM 1.15)	1	Headwaters to Mouth	Mountain Run	41.202174 78.610747	30.52	—	—	1.30	2018
Clearfield	UNT to Muddy Run (RM 2.67)	1	Headwaters to Mouth	Muddy Run	40.792906 78.429044	49.81	—	—	1.25	2018
Clearfield/ Elk	Grapevine Run	1	Headwaters to Mouth	Mountain Run	41.205436 78.664779	40.47	—	—	0.76	2018
Clinton	Chatham Run	2	Chatham Water Company Reservoir # 2 Inlet to Mouth	West Branch Susquehanna River	41.168056 77.364722	1.01	59.82	—	3.60	2018
Clinton	Skunk Hollow Run	1	Headwaters to Mouth	Young Woman's Creek	41.349713 77.698432	54.14	1.08	—	1.50	2018
Elk	Johnson Run	1	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.329722 78.333889	31.46	1.93	—	3.54	2018
Elk	Paige Run	1	Headwaters to Mouth	Red Run	41.273758 78.244331	32.58	—	—	3.11	2018

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Elk	Silver Mill Hollow Run	1	Headwaters to Mouth	Bennett Branch Sinnemahoning Creek	41.289675 78.395753	56.16	—	—	3.01	2018
Lycoming	English Run (English Center)	1	Headwaters to Mouth	Little Pine Creek	41.435001 77.289444	29.89	10.83	—	3.68	2018
McKean	Baker Hollow Brook	1	Headwaters to Mouth	North Branch Cole Creek	41.883368 78.491745	39.37	—	—	2.34	2018
McKean	Little Sicily Run	1	Headwaters to Mouth	Sicily Run	41.654720 78.660278	30.17	—	—	1.75	2018
McKean	UNT to East Branch Tunungwant Creek (RM 6.92)	1	Headwaters to Mouth	East Branch Tunungwant Creek	41.872725 78.655895	3.91	47.66	—	1.95	2018
McKean	UNT to Lewis Run (RM 3.20)	1	Headwaters to Mouth	Lewis Run	41.842868 78.693378	1.29	40.62	—	2.68	2018
Pike	Tarkill Creek	1	Headwaters to Mouth	Pecks Pond	41.298547 75.091921	52.33	—	—	1.78	2018
Pike	UNT to Saw Creek Pond	1	Headwaters to Mouth	Saw Creek	41.169463 75.070075	74.28	—	—	2.03	2018
Potter	Big Trestle Run	1	Headwaters to Mouth	Lebo Run	41.504656 77.646498	39.60	3.92	—	2.88	2018
Potter	Lawson Hollow Run	1	Headwaters to Mouth	Oswayo Creek	41.920864 78.016403	0.11	59.68	—	2.01	2018
Potter	Young Hollow Run	1	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.591881 78.057541	145.78	—	—	1.17	2018
Schuylkill	Schuylkill River	1	Headwaters to AMD Treatment Discharge located 245 miles upstream from 1st SR-209 bridge upstream from Brockton	Delaware Estuary	39.884444 75.195278	34.21	—	—	3.10	2017
Sullivan	Hemlock Run	1	Headwaters to Mouth	West Branch Fishing Creek	41.318333 76.506667	48.43	—	—	1.24	2018
Sullivan	Slip Run	1	Headwaters to Mouth	West Branch Fishing Creek	41.320278 76.516111	31.15	—	—	1.14	2018
Susquehanna	Little Egypt Creek	1	Headwaters to Mouth	North Branch Susquehanna River	41.955278 75.705000	70.11	—	—	3.00	2018

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 19-340. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulations, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-204	Pennsylvania Gaming Control Board Four Card Prime and Cajun Stud; Table Game Rules of Play	2/15/19	3/21/19

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
7-523	Environmental Quality Board Noncoal Mining Program Fees	2/15/19	3/21/19

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 19-341. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Mark Anthony Johns; Doc. No. SC18-11-2018

Notice is hereby given of the Amendment to the Order to Show Cause issued on February 26, 2019, by the Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(4), (6), (7), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(4), (6), (7), (17) and (20)).

The respondent shall file a written answer to the Amendment to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Joseph E. Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-342. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Penn-Allegheny Nursing and Rehabilitation Center, LLC

Penn-Allegheny Nursing and Rehabilitation Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Corner View Nursing and Rehabilitation Center in Pittsburgh, PA. The initial filing was received on February 19, 2019, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and

a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-343. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Central States Health & Life Company of Omaha; Rate Increase Filing for Several Group LTC Forms (MILL-131806488)

Central States Health & Life Company of Omaha is requesting approval to increase the premium an aggregate 196.0% on 7 policyholders with the following group LTC policy form numbers: N05 PA and N03 PA. The increase will average 196.0% but individual policyholders can receive increases ranging from 140.0% to 299.0%.

Unless formal administrative action is taken prior to May 23, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-344. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Highmark, Inc.; Rate Increase Filing for Several Group LTC Forms (MILL-131806528)

Highmark, Inc. is requesting approval to increase the premium an aggregate 268.0% on 193 policyholders with the following group LTC policy form numbers: TGGC8010 (3/94) PA and TGGC8010 (5/95) PA. The increase will average 268.0% but individual policyholders can receive increases ranging from 140.0% to 299.0%.

Unless formal administrative action is taken prior to May 23, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov)

(hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-345. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### MedAmerica Insurance Company; Rate Increase Filing for Group LTC Form (MILL-131753443)

MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 214.0% on 8 policyholders with the following group LTC policy form number LTC1200 (8/2000) PA. The increase will average 214.0% but individual policyholders can receive increases ranging from 140.0% to 299.0%.

Unless formal administrative action is taken prior to May 23, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-346. Filed for public inspection March 8, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating

to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held as follows. Failure by the appellants to appear at the scheduled hearings may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Fairmount Hearing Room # 4129, 801 Market Street, Philadelphia, PA 19107.

Appeal of Maureen S. Garchinsky; Safe Auto Insurance Company; File No. 18-176-231388; Doc. No. P19-01-007; April 11, 2019, 9 a.m.

Appeal of Thomas Crawford and Katerina Mertlova-Crawford; Liberty Mutual General Insurance Company; File No. 18-176-229772; Doc. No. P18-11-019; April 11, 2019, 10 a.m.

Appeal of Lydia McAliley; Liberty Mutual General Insurance Company; File No. 18-176-231417; Doc. No. P19-01-008; April 11, 2019, 11 a.m.

Appeal of Patricia A. and Alfred J. Sanford; GEICO Choice Insurance Company; File No. 18-118-228151; Doc. No. P18-12-001; April 11, 2019, 1 p.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearings and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearings or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearings and require an auxiliary aid, service or other accommodation to participate in the hearings, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-347. Filed for public inspection March 8, 2019, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on May 1, 2019, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2017 and 2018; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk

dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on March 15, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on March 15, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on April 10, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on April 17, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on April 24, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least twenty copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [tmoyer@pa.gov](mailto:tmoyer@pa.gov) and received in the Board office by 1 p.m. on April 19, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 19-348. Filed for public inspection March 8, 2019, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on May 1, 2019, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2017 and 2018; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on March 15, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on March 15, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on April 10, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on April 17, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on April 24, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to [tmoyer@pa.gov](mailto:tmoyer@pa.gov) and received in the Board office by 1 p.m. on April 19, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 19-349. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Petition of the Department of Labor and Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania; Petition of the Pennsylvania Telephone Association Requesting the Commission to Approve Implementation of Pennsylvania Relay Service for Deaf, Hearing or Speech-Impaired Community within the Commonwealth of Pennsylvania; and Recalculation of the Pennsylvania Annual Telecommunications Relay Surcharge**

Public Meeting held  
December 20, 2018

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Norman J. Kennard; David W. Sweet; John F. Coleman, Jr.

*Petition of the Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania;*  
*Docket No. P-2015-2484229;*

*Petition of the Pennsylvania Telephone Association Requesting the Commission to Approve Implementation of Pennsylvania Relay Service for Deaf, Hearing, or Speech-Impaired Community within the Commonwealth of Pennsylvania;*  
*Docket No. M-00900239;*

*Recalculation of the Pennsylvania Annual Telecommunications Relay Surcharge;*  
*Docket No. M-2018-2640814*

### Opinion and Order

*By the Commission:*

By this Opinion and Order, the Commission adopts a permanent and ongoing wireless expansion initiative program (WEI) as a funded component of the Pennsylvania Telecommunications Relay Service (TRS) and the Telecommunications Device Distribution Program (TDDP).



## I. Background

On July 8, 2015 the Commission entered its Order (July 2015 Order) in the above-referenced proceeding at Docket No. P-2015-2484229.<sup>1</sup> The July 2015 Order granted a Petition (Petition) from the Office of Vocational Rehabilitation (OVR), Department of Labor and Industry (L&I) authorizing the funding of a pilot project involving the distribution of wireless equipment to income-eligible persons with disabilities within Pennsylvania.

The July 2015 Order approved a WEI Pilot within the legal and policy framework of the existing telecommunications device distribution program that is administered by OVR-L&I and is funded by the Pennsylvania Telecommunications Relay Service Fund (TRS Fund or Fund).<sup>2</sup> As contemplated in the July 2015 Order, following completion of the WEI Pilot and its review by the OVR and Commission staff, the Commission takes the next step to make permanent and ongoing the WEI program as set forth below.

The Commission does this by granting OVR's initial budget in its entirety as set out in the OVR Report that was filed with the Commission in June 2018.<sup>3</sup> Such an action relies on the public interest and legal findings we made in the July 2015 Order establishing the WEI Pilot and reflects OVR's experience with the WEI Pilot addressed in the OVR Report.

OVR proposed a three-year budget in which the distributed equipment is proposed to be replaced every three years.<sup>4</sup> OVR proposes a budget of \$199,393 for the first year of the program consisting of \$70,750 for initial start-up costs and another \$129,143 of which \$62,390 is for equipment and \$66,753 is for non-equipment costs. Budget Years 2 and 3 would remain at the \$129,143 with identical allocations of \$62,390 for equipment and \$66,753 for non-equipment costs.

At an anticipated cost of \$547 per wireless device, this translates to providing roughly 114 devices annually. OVR's proposed incremental increase in device distribution is based on programs in Missouri and Colorado, which, when expanding their TRS programs to include wireless communications, encountered increases in device distribution of approximately 30%. Based on those states' experiences, OVR proposes a similar increase for Pennsylvania's TDDP to include wireless devices, although those states have half the population of Pennsylvania.

The Commission accepts this initial OVR budget recommendation at this time for two reasons. First, there is a need to focus on implementation and outreach at the outset. Thereafter, however, OVR should be looking to lower the expense related to administration of the program and increase the proportion of expense associated with the distribution of equipment, effectively lowering the non-equipment costs as a percentage of the overall budget. Second, this is the only budget proposed in support of OVR's Petition. The Commission believes that it is appropriate to require OVR to commit to evaluating the budget with those parameters in mind and submitting the same to the Commission timed to coincide with the

Commission's evaluation of a TRS and TDDP budget and the annual TRS surcharge recalculation, typically in May/June of each year.

The OVR budget the Commission adopts today is an initially small but important step towards enhancing communications capabilities to low-income Pennsylvanians with disabilities given Pennsylvania's demographics. However, given the potential universe of persons in Pennsylvania that may be eligible to participate in WEI,<sup>5</sup> the Commission will require OVR to review its budget and assess its program annually to evaluate how well it is effectuating its purpose. The Commission will also require that OVR operate the program on a more geographically balanced basis across Pennsylvania as proposed in using the Assistive Technology Resource Centers (ATCRs) or a functional equivalent. OVR shall present its findings and proposals in conjunction with the Commission's annual calculation of the TRS surcharge in May/June of each year.

A wireless equipment distribution program better ensures compliance with Pennsylvania law requiring the Commission to support a TRS program to facilitate communications for persons with disabilities by wire or radio. This is warranted because communications for impaired citizens by wire or radio must be reasonably comparable to the communications by wire or radio available to non-impaired citizens. Under this program, the Commission is supporting a wireless device distribution program in which the qualified consumer must still buy the underlying wireless access service. Like the current TDDP, however, the Commission is approving a budget that provides equipment with adaptations to qualified individuals that is necessary to provide equal access to communications in today's market.

To appreciate this action in context, it is important to summarize the development of TRS in Pennsylvania over the past 28 years. That summary explains why this incremental proposal is the logical extension of the Commission and Commonwealth commitment to TRS in Pennsylvania. The proposal to limit spending to the OVR budget in the initial phase is fiscally responsible because it can be funded from the existing access line surcharge and budget and be adjusted as OVR provides additional information based on its actual experience in Pennsylvania.

### *History of the TRS Fund*

Our July 2015 Order addressed the history and implementation of the current TRS program up until that time. As we stated then, the Commission established TRS service in response to a petition by the Pennsylvania Telephone Association (PTA) urging the Commission to create a program because that was consistent with the law and the public interest. The TRS service established by the Commission has been supported by a monthly fee on wireline access lines. This ensures the delivery of adequate and equivalent access to services by end-user consumers with physical impairments under applicable federal law.<sup>6</sup> Thereafter, Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (Act 34), codified the operation of relay service and the Commission's oversight of the TRS Fund and surcharge mechanism in Pennsylvania.

<sup>1</sup> Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunication Relay Service Wireless Equipment to People with Disabilities in Pennsylvania et al., Docket Nos. P-2015-2484229, M-00900239 et al., (Order entered July 8, 2015) (July 2015 Order).

<sup>2</sup> The Commission administers the Pa. TRS Fund. See also 35 P.S. § 6701.4(c).

<sup>3</sup> In re: Petition of the Department of Labor and Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania, Docket No. P-2015-2484229, Amended Report of Department of Labor and Industry, Office of Vocational Rehabilitation (June 13, 2018) (hereinafter OVR Report).

<sup>4</sup> OVR Report at 33.

<sup>5</sup> As one example, the Pennsylvania demographic and economic information from the 2016 American Community Survey data of the U.S. Census Bureau shows that for a poverty determination Pennsylvania's population of 12,369,671 citizens, 30.2%, or 3,736,519, are at or below 200% of poverty and 3.7%, or 469,694 from a 12,579,598 non-institutionalized population have hearing difficulties. Applying the 30.2% poverty level figure to the population with hearing difficulties, about 141,847 Pennsylvanians could be eligible to participate in the WEI expanded program.

<sup>6</sup> Federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101 et seq.

Act 34 also established the TDDP, a device distribution program funded by the TRS Fund.<sup>7</sup> TDDP supports the distribution of equipment to facilitate telecommunications although neither the rates or operations for that equipment are regulated by, or subject to, the Commission's jurisdiction. Responsibility for managing the TDDP is vested with OVR. The responsibility for financial oversight and disbursements in support of the TDDP program rests with the Commission pursuant to the submission of annual budgets from OVR.

Act 174 of 2004, 35 P.S. § 6701.3a, moreover, established the Print Media Access System Program (PMASP) that is also funded by the TRS Fund.<sup>8</sup> PMASP is a service that facilitates access to printed media information for consumers although neither the rates nor related services are regulated by, or subject to, the Commission's jurisdiction. The statutory provisions addressing this information service are now referred to as the Universal Telecommunications and Print Media Access Act (UTMPAA).<sup>9</sup> The UTMPAA also requires the Commission to report annually on the TRS Fund, the TDDP, and the PMASP programs supported from the TRS surcharge to the General Assembly. 35 P.S. § 6701.4.

The Commission subsequently established Captioned Telephone Relay Service (CAP-Tel), a telecommunications service, in Pennsylvania in response to suggestions from our Telecommunications Relay Advisory Board (TRS Board) about consumer need for this service. The Commission did so by contract pursuant to a request for proposals process. Cap-Tel permits consumers to communicate using modern technology that relies, in part, on Internet Protocol (IP). The Commission also issued an advisory letter on July 9, 2014 that authorized funding for the distribution of IP-enabled wireline devices through the TDDP to eligible end-users in response to changing technology.

The quality of service provided by our certificated TRS provider is subject to the Commission's jurisdiction. Hamilton Relay Service, Inc.<sup>10</sup> (Hamilton Relay), the current certificated traditional relay provider, submits the estimated annual traditional relay minutes of use (MOUs) and charges. Hamilton Telecommunications Company<sup>11</sup> (Hamilton Telecommunications), an affiliate of Hamilton Relay, provides Cap-Tel pursuant to a contract with the Commission and submits the estimated annual Cap-Tel MOUs. OVR submits the annual TDDP and PMASP budgets. The TRS Fund covers the TRS Board activities and Fund Administrator costs as well.

The Pennsylvania relay service costs (including the intrastate Cap-Tel) are recovered through the monthly TRS surcharge set by the Commission and currently assessed by the Local Exchange Carriers (LECs) on wireline residence and business customers.<sup>12</sup> The TRS Fund and the monthly surcharge are reviewed by staff and set by the Commission annually, typically to be

<sup>7</sup> TDDP provides equipment to enable eligible low-income persons to use telecommunications relay services. The statute was amended by Act 181 of 2002 to be more inclusive of persons with disabilities by expanding the definition of "persons with a disability" to include all disabilities that prevent a person from using standard telecommunications equipment.

<sup>8</sup> PMASP is a newspaper reading service for persons with certain vision and physical disabilities. Administrative responsibility is vested in OVR. The Commission is responsible for the financial oversight and disbursements supporting this newspaper access program under relevant OVR budgetary submissions although the Commission does not regulate rates or delivery of newspapers in Pennsylvania or similar information services.

<sup>9</sup> See 35 P.S. § 6701.

<sup>10</sup> See Application of Hamilton Relay, Docket No. A-2014-2447601 (December 4, 2014).

<sup>11</sup> See RFP-2012-2, Bp8=2304702 (May 24, 2012).

<sup>12</sup> See 52 Pa. Code §§ 63.31—63.37.

effective in June of each year.<sup>13</sup> Additionally, the Commission's Bureau of Audits periodically audits the TDDP pursuant to the Memorandum of Understanding executed between L&I and the Commission at Docket No. M-00900239F0004.<sup>14</sup>

The WEI Pilot was part of the Commission's long-standing commitment to support the communications needs of disabled persons in Pennsylvania.<sup>15</sup> The July 2015 Order adopting the WEI Pilot program reflected a determination that a wireless device distribution program furthered the statutory mandate to facilitate communications by eligible impaired consumers using wire and radio in the Commonwealth and was in the public interest. The Commission recognized that any program established following the results of the WEI Pilot must also be consistent with that Pennsylvania law and could be supported from the current TRS Fund and surcharge in Pennsylvania.

#### *The WEI Pilot*

Among other duties, the OVR is responsible for providing services designed to increase the independence and employability of individuals in Pennsylvania with hearing, visual, speech, or other disabilities. Recent American Community Survey (ACS) data indicate that approximately 3.7 percent of Pennsylvanians have difficulty hearing and, of that number, approximately 30.2% would be eligible for support because they are at or below 200% of the federal poverty level. This translates into 469,694 Pennsylvanians with hearing difficulties and, of those, approximately 141,847 are below the 200% poverty level and are eligible to benefit from this program.

As part of those responsibilities to multiple communities, OVR is also in charge of administering the TRS TDDP.<sup>16</sup> In its Petition, OVR requested approval to use the TRS Fund support to conduct a two-year, two-phase TDDP Pilot that would distribute wireless devices to eligible participants to obtain more data on public interest and benefit attributable to a wireless equipment program.<sup>17</sup> The OVR averred that expanding the TRS to include modern technology would increase communications options using both standard wireline as well as specialized wireless features and applications.<sup>18</sup> A wireless device distribution program would also allow participants to receive emergency notifications in real time. In short, they asserted that a wireless distribution program would provide equivalent communications capabilities through more modern technology and that a pilot project might potentially be useful as a way of examining how to establish a permanent program on a statewide basis consistent with Pennsylvania law.<sup>19</sup>

<sup>13</sup> Staff shall include the wireless device program in their review and calculation of the surcharge presented for disposition at Public Meeting.

<sup>14</sup> See, e.g., A Report on the Telecommunications Device Distribution Program and Print Media Access System Program Audits for the Twelve-Month Period Ended June 30, 2015 and June 30, 2012, Docket No. D-2014-2406981.

<sup>15</sup> On May 24, 1990, the Commission entered an Opinion and Order approving the joint petition of the PTA and AT&T Communications, Inc. for approval to implement a Telecommunications Relay Service for Deaf, Hearing and/or Speech impaired citizens of the Commonwealth of Pennsylvania and to issue AT&T a certificate of public convenience authorizing the delivery of TRS service supported by a surcharge on consumer's telephone bills. The Telecommunication Act of 1996 (TA-96) subsequently clarified that Section 153 encompassed intrastate communications within the authority of the Federal Communications Commission (FCC), effectively authorizing the FCC to certify that Pennsylvania TRS programs comply with federal mandates.

<sup>16</sup> 35 P.S. § 6701.3a.

<sup>17</sup> Qualified participants in the pilot program had to be a disabled resident of the Commonwealth who was not younger than six, should have had telephone service, was able to learn how to use a telecommunications device, and had an income not more than 200% of the federal poverty level (FGPI). These requirements were consistent with other requirements imposed under Pennsylvania law. 35 P.S. § 6701.3.

<sup>18</sup> At the time, wireless equipment distribution programs were already underway in 11 states. This has grown to 17 states since then. The OVR Report relies, in part, on experiences in two of those states.

<sup>19</sup> 35 P.S. § 6701.2 authorizes a program to distribute equipment that operates by wire or radio (wireless) and provide eligible persons the ability to communicate by wire or radio as discussed in more detail below.

The Commission published the Petition in the *Pennsylvania Bulletin* for comment. Comments in favor of the pilot were filed by the Office of Consumer Advocate (OCA), the Honorable Representative Edward C. Gainey, 24th Legislative District, L&I's Advisory Council for the Deaf and Hard of Hearing (L&I Advisory Council), the Commission's TRS Advisory Board, L&I's Office of the Deaf and Hard of Hearing (ODHH), and the Hearing Loss Association of Pennsylvania (HLAA-PAA). No comments opposed the legality or overall purpose and substance of the pilot.

#### *The July 2015 Order*

The July 2015 Order established the WEI Pilot implemented through Temple University as Administrator of the TDDP on behalf of OVR under Commission oversight. The WEI Pilot was a two-year pilot project designed to test the availability and use of wireless devices by a limited number of eligible Pennsylvanians with disabilities for a limited timeframe in which wireless devices would be supported from and distributed to eligible end-users through the existing TDDP.<sup>20</sup>

The WEI Pilot, inter alia, provided for:

- Recruitment and selection of 60 eligible participants over the two-year, two-phase project;
- Distribution of selected wireless/mobile devices equipped with appropriate applications and software;
- Outreach, training, surveys, and personal interview evaluation activities;
- Remote system software updating for the distributed wireless devices by an equipment administrator; and
- Monitoring, measurement, and evaluation of the use of these devices and their use.

OVR sought, and the July 2015 Order approved, funding from the TRS Fund for the relevant costs of the WEI Pilot. This included the costs of the wireless device equipment distribution and the costs for managing the overall TDDP WEI Pilot through its two-year duration. The estimated costs of the pilot were approximately \$85,000 for the first year of the WEI Pilot<sup>21</sup> in which Phase I would seek to enroll 30 eligible<sup>22</sup> individuals. The July 2015 Order established Phase II based on the results of Phase I which also would seek to enroll 30 eligible individuals based on slightly different selection criteria. Temple University held mandatory meetings to explain the pilot and provide training to assist pilot participants. Temple University also conducted case studies and "longitudinal" surveys to assess the needs and trends that surfaced during the TDDP Pilot.

As with the current distribution program, participants were responsible for some costs. Like the TDDY program, the WEI Pilot still required the participant to pay for the cost of the underlying wireless connectivity service(s) to enable the wireless devices to function.<sup>23</sup> Participants were also responsible for any travel expenses associated with program orientation and training in Darby and Philadelphia, Pennsylvania. This latter requirement negatively impacted OVR's ability to fulfill the full proposed enrollment.

<sup>20</sup> See generally 35 P.S. § 6701.3.

<sup>21</sup> The budget table in the WEI Proposal disclosed a projected outlay requirement of \$83,233.38 for "Grant Year 1" or Phase I of the TDDP Pilot.

<sup>22</sup> The criteria for eligibility in the TDDP pilot are those that are statutorily mandated at 35 P.S. § 6701.3.

<sup>23</sup> The WEI Proposal explicitly states "Individuals [TDDP Pilot participants] will need to describe how they will access wi-fi service (in their home or in the community e.g., public library) and understand that the program will not pay for such wireless access services." OVR Petition, WEI Proposal at 8.

The July 2015 Order and OVR Report demonstrate universal support regarding the merits of the WEI Pilot and the desire for statewide access to wireless technologies, communications, and devices by eligible persons with disabilities. The Commission recognized that federal authority over TRS mandates availability within a state and that federal certification of such programs requires corresponding compliance with federal requirements. These requirements include a prohibition on actions that discourage or impair the technology providing TRS.

The Commission agreed with the comments that public benefits accruing to eligible participants under the proposed WEI Pilot promoted the public interest and satisfied Pennsylvania's obligation under federal and state law to provide adequate and equivalent access to communications access for Pennsylvanians with disabilities. The Commission recognized that it possessed the necessary administrative flexibility to deal with these matters and to seek timely and appropriate legislative changes if and when such changes become necessary.

The Commission concluded that the TRS program serves the public interest and that such action was consistent with Section 225(d)(2), 47 U.S.C. § 225(d)(2), of federal law and ensured compliance with the certification requirements under Section 225(f), 47 U.S.C. § 225(f). After commending L&I, OVR, and Temple University in their efforts to refine policies for increased TRS access to wireline and wireless telecommunications services under Pennsylvania and federal law, the Commission noted that an advisory letter had been issued on July 9, 2014 which also authorized the funding of IP-enabled wireline devices to eligible end-users.

The Commission also concluded that a WEI Pilot fit within the definitions of TRS services by radio and wire under Pennsylvania law and that the scope of the WEI Pilot was consistent with the applicable statutory parameters of the UTPMAA as well as federal law.

Based on those determinations and conclusions, the July 2015 Order authorized TRS funding for the WEI Pilot for actual costs up to \$85,000 for Phase I and up to \$90,000 for Phase II. The July 2015 Order added the caveat that if there were cost overruns OVR could petition for additional TRS funding, curtail the scope of the pilot program to stay within the approved funding or find alternate funding. The Commission recognized certain concerns with the future funding for the TRS Program but declined to address future funding of a TDDP wireless device program on a permanent statewide basis from the TRS Fund but agreed to address that in collaboration with OVR and Temple University.

The July 2015 Order also established a subaccount within the TRS Fund for the WEI Pilot given that neither of these sums impaired the solvency of the TRS Fund on a one-time basis. The TDDP portion of the TRS Fund had an appropriate monetary reserve that was sufficient to absorb the projected implementation cost of the proposed wireless pilot.<sup>24</sup>

Moreover, consistent with the Commission's statutory oversight of the TRS Fund and the public interest in this program, and to ensure compliance with federal law, the July 2015 Order required monthly billing detailing the costs incurred. OVR was required to submit detailed monthly bills for costs incurred for the TDDP Pilot to Commission staff in a manner that followed the current TDDP bill payment procedures. Commission staff would

<sup>24</sup> 2014 Annual Report pursuant to the UTPMAA to the General Assembly, dated October 1, 2014, [http://www.puc.pa.gov/Telecom/pdf/TDD\\_Program\\_Legis\\_Rpt2014.pdf](http://www.puc.pa.gov/Telecom/pdf/TDD_Program_Legis_Rpt2014.pdf).

submit TDDP Pilot bills for payment in the same manner in which TDDP bills are currently paid. The TDDP Pilot expenses were subject to the Memorandum of Understanding between L&I and the Commission. The Commission required submission of the OVR Report on the Pilot Program from OVR and further instructed staff to submit a report following submission of the OVR Report.

#### *Subsequent Developments*

On June 13, 2018, following completion of the WEI Pilot established by the July 2015 Order, OVR filed an amended response and recommendations in an OVR Report. The OVR Report provided detailed amended information requested by the Commission on monetary support, the practices in other states, and on the feasibility of creating a permanent wireless equipment distribution program based on the recently completed WEI Pilot.<sup>25</sup> The OVR Report outlined the public interest in a wireless distribution program relying, in part, on the benefits and experiences documented by the pilot participants. OVR recommends making the program permanent.<sup>26</sup>

The Commission staff identified several options: (1) provide standard wireless equipment without special adaptations or training through the TDD Program; (2) provide the adaptations for standard wireless equipment and provide specialized wireless equipment and training through the TDD Program; or (3) decline to provide wireless equipment through the TDD Program and maintain the TDD Program as it was prior to the pilot.

Option 2 was thought to more closely mirror the existing TDD Program by providing adaptations and specialized equipment needed to make telecommunications capabilities accessible although the program does not provide the underlying service or basic equipment available off the shelf. It was further noted that when the adaptation or accommodation is intrinsic to the device, such as an IP-enabled captioning telephone that works with IP-enabled circuits and services—with a regular captioning telephone capable of working only with traditional wireline connections—then the IP-enabled captioning telephone equipment is provided.<sup>27</sup>

## II. Disposition

The Commission hereby creates a permanent and ongoing wireless distribution program in Pennsylvania supported from the current TRS fund. The July 2015 Order concluded that the pilot wireless equipment distribution program was within the existing TDDP program and was fully consistent with applicable Pennsylvania and federal statutes, effectively obviating concerns with Commission jurisdiction. It is worth reiterating, again, that Pennsylvania's Universal Telecommunications and Print Media Access Act that also governs the operation and funding of TDDP, includes the following definitions:

*“Telecommunication device.”* Equipment necessary for a person with a disability to engage in communication by wire *or radio* with another person with a disability or with a hearing individual.

\* \* \*

*“Telecommunications relay service.”* Telephone transmission services that provide the ability for a person

<sup>25</sup> Petition of Department of Labor and Industry, Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania, Docket No. P-2015-2484229 (July 8, 2015); OVR Additional Information on Wireless TDDP Program (June 13, 2018).

<sup>26</sup> OVR Report at 33.

<sup>27</sup> Report of staff at 14.

with a disability to engage in communication by wire *or radio* with a hearing individual in a manner that is functionally equivalent to the ability of a person who does not have a disability to communicate using voice communication services by wire *or radio*. The term includes services that enable two-way communication between an individual who uses a telecommunication device or other nonvoice terminal device and an individual who does not use such a device.

35 P.S. § 6701.2 (emphasis added).

We concluded in the July 2015 Order, and reiterate today, that the availability of wireless devices under the TDDP mechanism for eligible persons with disabilities meets the statutory standard for communication by “radio” or “wire” under our statute. This is because mobile wireless devices for end-user consumers operate on the basis of available radio frequencies that are managed by commercial wireless service providers.<sup>28</sup>

These provisions and our precedent clearly establish the Commission's legal authority to support a permanent and ongoing wireless device distribution program under Pennsylvania and federal law.

The Commission recognizes the challenge of supporting wireless and wireline device distribution programs solely by surcharging wire access lines with no accompanying support from wireless services even though Pennsylvania law requires the Commission to facilitate communications by wire and radio. However, the resolution of whether wireless service providers can be required to fund a wireless device program under this existing statutory language should not preclude action today. The Commission has a separate legal mandate to facilitate communications by wire or radio irrespective of funding sources. The Commission has authority to support a wireless device program, particularly given the clear public interest and support for such a program determined in the July 2015 Order and the results from the WEI Pilot, the OVR Report, and staff review.

Today's action simply effectuates a state-mandated communications assistance program, including equipment, through wire or radio to a very discrete class of beneficiaries—low-income, deaf, hearing, speech impaired, or some combination thereof, to citizens of Pennsylvania. The WEI Pilot we adopted in the July 2015 Order simply updates the ways of meeting that mandate to recipients of the program given the statute, changing consumer needs, and technology. Our July 2015 Order recognized that a permanent device program might be necessary and appropriate although we deferred action on that issue until we had completed the WEI Pilot and further considered the experience from that pilot.

Although a permanent wireless distribution program is legal and clearly consistent with the public interest, the Commission's implementation of that mandate must be prudent. The initial budget for a permanent program requested by OVR stays well within the funding parameters of the existing monthly \$0.08 per access line surcharge and avoids imposing unacceptable or unsustainable burdens on the existing Fund or those consumers who support that Fund. For these reasons, we believe that approving OVR's initial budget proposal in the OVR Report is appropriate. While that budget may change if

<sup>28</sup> See also July 2015 Order at 12-13.

the need demonstrated by OVR changes, the initial OVR budget approval supports a permanent program within the existing surcharge.<sup>29</sup>

The Commission agrees with the OVR Report that support for a suite of wireless equipment and adaptations is necessary, given the intertwined nature of wireless equipment and the adaptations needed to use that equipment. The OVR Report properly addresses the change in consumer expectations, technology, and the proliferation of devices in the market for non-impaired citizens.

The fact that different adaptations are already provided in Cap-Tel wireline distributed equipment today supports a similar approach for wireless devices. Consumers will receive the device with the needed adaptations to operate it, but they must buy the underlying wireless access service. Given the lower-incomes required for participation in the TDDP, it is worth reiterating our support for the FCC's Lifeline Program because it provides \$9.25 in monthly support so that low-income consumers can buy voice or broadband Internet access service.

This action is not without precedent. Our July 2015 Order formally authorized the funding of the WEI pilot project in the following:

In our evaluation of the proposal for a TDDP Pilot to explore accessible wireless options, we are guided by the UTPMAA, which vests administrative oversight of TDDP operations in OVR. See 35 P.S. § 6701.3. We are also guided by federal law governing TRS [telecommunications relay service], particularly the prohibition contained in Section 225(d)(2) of the federal Communications Act of 1934 as amended, 47 U.S.C. § 225(d)(2), against discouraging or impairing the development of new technology.

July 2015 Order at 5. Our July 2015 Order found that the WEI pilot project was fully "within the applicable statutory parameters of the UTPMAA" and that it was also "entirely consistent with applicable federal law." July 2015 Order at 13.

The OVR Report has been formally endorsed by the Commission's TRS Advisory Board during its formal May 9, 2018 meeting.<sup>30</sup> OVR's recommendation contains projected costs that assume a 30% increase in equipment distribution related costs based on prior experience in Colorado and Missouri or a total of 402 wireline and wireless devices. The OVR Report estimate relies on states who implemented a wireless equipment distribution program that are far smaller than Pennsylvania. OVR's estimate for a total of 402 devices of which at least 114 will be for new wireless devices is a good start given that the device cost has dropped to a projected average figure of \$547 compared to the pilot-program cost of \$1,273 per device although both are higher than the average wireline device cost of \$135.<sup>31</sup>

<sup>29</sup> If future developments indicate otherwise, OVR can address those developments in conjunction with submission of their annual budget for TRS-supported operations. While supplemental budgets in the interim may be appropriate, it is better to submit any adjustments in the OVR budget to coincide with our review and approval of a TRS program budget and the surcharge ancillary to supporting that budget.

<sup>30</sup> A Kay Tyberg, Chair of the TRS Advisory Board stated the following in her July 5, 2018 letter communication to the Commission: "After due consideration of the findings and recommendations in the report [OVR Report], the Board advises the Public Utility Commission of its desire that the TDDP be expanded statewide to include wireless telecommunications devices—only; (NOT voice or data services) for Pennsylvanians with disabilities who meet all other TDDP eligibility criteria."

<sup>31</sup> The significant cost difference was attributed to the wireless devices in a permanent program compared to the pilot program and traditional devices arises because wireless devices, particularly devices with support/service plans, cost 90% more than traditional landline equipment. As indicated in the table below, Pennsylvania's TDDP program averages \$135 per participant in equipment cost. The wireless initiative averaged \$1,273 per participant in equipment costs. By providing equipment without service/support packages, OVR's expects to reduce this average equipment cost to \$547 per recipient. See OVR Report at 34.

The OVR Report also provides data supporting the need to support additional administrative costs, demonstration equipment, and an Assistive Technology Lending Library at regional ATRCs. The projected equipment distribution totals \$70,750 in one-time start-up costs and \$129,143 in yearly program-related expenses for a total of \$199,893 for the first year of operation. This estimate contains an annual \$13,000 cost for Education Outreach and focuses on information sessions, online access, and a modestly staffed customer service operation.

The eligibility requirements are identical to those for the existing TRS Program. They require Pennsylvania residency, 200% or less of the federal poverty guideline, access to Wi-Fi or a wireless service with a data plan (purchased by the consumer), and the ability to learn how to use the equipment. There are no direct public awareness and outreach costs to inform the public about this program although there are Education Outreach costs that will apparently focus on the eligible population. OVR anticipates replacing the equipment distributed on a 3-year cycle.

While the Commission can consider several options to move this program forward, for the reasons stated, the Commission concludes that the option to create a permanent program using the very modest incremental need projected in the OVR Report is best. This option relies on OVR's research and data. While this does not reflect specific and more recent ACS census data for Pennsylvania's population, a modest program is preferable at the outset unless and until OVR provides more robust reporting and budgetary analyses.

The Commission also believes that OVR's budget must extend to a broader geographic reach in Pennsylvania. We agree with the OVR Report that the program must support funding ATRCs or their regional equivalent. This ensures that eligible citizens in those areas have access to information and training as easily as those residing in urban areas. Unlike the WEI Pilot, where the funding and distribution was operated from Darby and Philadelphia, the ATRCs operate throughout Pennsylvania and their input and expertise will be critical to ensuring a Commonwealth-wide program.

Our decision to approve the OVR budget for the initial three years recognizes two facts. First, in approving this program on a permanent basis, the Commission is acting between the annual recalculations of the TRS surcharge that occurs in June of each year. Second, any budgetary change may be reflected in these annual recalculations. Any resource need arising in the future can be addressed by filings timed to coincide with the Commission's annual establishment of a TRS budget and the surcharge recalculation that occurs in time for the establishment of a surcharge in June. Any need arising under the approved OVR budget that occurs under the existing surcharge before the next surcharge recalculation can be met by using any surplus that has arisen this year and then from any accumulated surplus. The use of any accumulated surplus must be tempered by possible FCC regulatory developments, including the allocation of federal TRS program costs to Pennsylvania, and a prudent reserve.

At a minimum, however, the OVR budget for continuation and expansion of the WEI approved today will be used for future funding with the opportunity to consider additional requests, along with supporting information, as the need arises; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby adopts a permanent and ongoing wireless equipment distribution program as a

funded component of the Pennsylvania Telecommunications Relay Service and the Telecommunications Device Distribution Programs;

2. The Department of Labor & Industry Office of Vocational Rehabilitation has the funding authority to implement the wireless equipment distribution program on the initial and subsequent 3-year cycles presented in the Office of Vocational and Rehabilitation Report of the Wireless Expansion Initiative Pilot dating from entry of this Opinion and Order in the current funding year and thereafter timed as part of the Commission's annual TRS surcharge recalculation, unless interim adjustments are presented and adopted;

3. The funding for the initial 3-year cycle of this permanent and ongoing wireless equipment distribution program as proposed in the OVR Report is approved as filed unless adjusted by the Commission in consultation with the Office of Vocational Rehabilitation;

4. The funding total for the wireless equipment distribution program in the initial 3-year cycle is approved at \$458,179 unless adjusted by the Commission in consultation with the Office of Vocational Rehabilitation;

5. The annual budget for a wireless equipment distribution program in any subsequent year that is proposed will be considered as part of the Commission's annual TRS surcharge recalculation;

6. The Office of Vocational Rehabilitation projected one-time start-up non-equipment costs of \$70,750 for the initial year of the 3-year cycle is approved as proposed in the OVR Report unless adjusted by the Commission in consultation with the Office of Vocational Rehabilitation;

7. The Office of Vocational Rehabilitation projected anticipated costs of \$129,143 for the initial year of the 3-year cycle is approved as proposed in the OVR Report unless adjusted by the Commission in consultation with the Office of Vocational Rehabilitation;

8. The Office of Vocational Rehabilitation projected anticipated cost of \$129,143 for Year 2 and Year 3 of the initial 3-year cycle is approved as proposed in the OVR Report unless adjusted by the Commission in consultation with the Office of Vocational Rehabilitation;

9. The funding and the actions hereby authorized for the distribution of wireless equipment to eligible persons with disabilities does not preclude or otherwise prohibit the simultaneous availability or distribution of wireline devices to the same persons under the Telecommunications Device Distribution Program;

10. The Commission's Telecommunications Relay Service Advisory Board and the Office of Special Assistants, in consultation as necessary with the Bureaus of Technical Utility Services and Law, continue to monitor and report to the Commission on the operation and surcharge funding for Pennsylvania's Telecommunications Relay Service and Telecommunications Device Distribution Programs under state and federal law, including this ongoing and permanent wireless equipment distribution program;

11. The Office of Vocational Rehabilitation prepare an annual evaluation of the budget for Commission consideration with the goal of increasing within the overall budget the proportion of the TRS budget related to the distribution of wireless devices and decreasing the proportion related to administration;

12. The Office of Vocational Rehabilitation prepare an annual evaluation of the budget for Commission consider-

ation with the goal of increasing the geographic reach of the wireless device distribution;

13. This Opinion and Order be served upon the Secretary of the Department of Labor and Industry, the Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Commission's Telecommunications Relay Service Advisory Board; and

14. A copy of this Opinion and Order be published in the *Pennsylvania Bulletin* and posted on the Commission's website.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-350. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Petition of the Department of Labor and Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania; Petition of the Pennsylvania Telephone Association Requesting the Commission to Approve Implementation of Pennsylvania Relay Service for Deaf, Hearing or Speech-Impaired Community within the Commonwealth of Pennsylvania; and Recalculation of the Pennsylvania Annual Telecommunications Relay Surcharge**

Public Meeting held  
December 20, 2018

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson, statement follows, dissenting; Norman J. Kennard; David W. Sweet; John F. Coleman, Jr.

*Petition of the Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania; Docket No. P-2015-2484229;*

*Petition of the Pennsylvania Telephone Association Requesting the Commission to Approve Implementation of Pennsylvania Relay Service for Deaf, Hearing, or Speech-Impaired Community within the Commonwealth of Pennsylvania; Docket No. M-00900239;*

*Recalculation of the Pennsylvania Annual Telecommunications Relay Surcharge; Docket No. M-2018-2640814*

### Opinion and Order

*By the Commission:*

By this Opinion and Order, we shall create a Task Force (TRS Task Force) to undertake a comprehensive review of the existing Pennsylvania Telecommunications Relay Service (TRS) and the associated Telecommunications Device Distribution Program (TDDP).

### Background

The Pennsylvania Telecommunications Relay Service (TRS) was established by the Pennsylvania Public Utility Commission (Commission) in 1990 pursuant to a petition filed by the Pennsylvania Telephone Association (PTA).<sup>1</sup> TRS and the accompanying equipment distribution program known as the Telecommunications Device Distribution Program (TDDP) were codified in 1995 and later amended in 2004 to be known as the Universal Telecommunications and Print Media Access Act.<sup>2</sup>

By statute, the Department of Labor and Industry's Office of Vocational Rehabilitation (OVR), in cooperation with other State agencies which serve people with disabilities, oversees the implementation and operation of the TDDP. Under the TRS enabling legislation, the Commission's responsibilities include the design and implementation of a telecommunications relay service program, administration of a surcharge, approval of the TDDP budget, and submission of an annual report to the General Assembly.<sup>3</sup> Effective January 1, 2007, program administration of the TDDP was awarded to Temple University through its Institute on Disabilities.

The TRS programs are funded by a monthly surcharge on jurisdictional, land-based services of local exchange carriers—that is, on business and residential landline or wireline terrestrial lines served by the local exchange carriers (LECs). Pursuant to the Commission's regulations, these LECs are obligated to remit an annual tracking report on revenues and access line counts, for purposes of calculating the next year's surcharge.<sup>4</sup>

By Commission Order, the Bureau of Audits periodically performs an audit of the PA TRS Program.<sup>5</sup> Pursuant to a Memorandum of Understanding between the Commission and OVR, dated April 15, 2004,<sup>6</sup> the actual expenditures of the TDDP, funded by the PA TRS Surcharge, are also subject to audit by the Bureau of Audits on an ongoing basis.<sup>7</sup>

### Discussion

When the TRS Program was originally designed in 1990, the landline telephone and the copper line was the sole source of communication. The market was a monopoly dominated by the incumbent telephone companies. Competition existed only in the devices used (the customer premises equipment) and the long-distance calling market. The hearing and sight-impaired communities used specially designed equipment that connected via the landline network to live operators that provided interconnectivity and other services such as media reading. In other words, the TRS (and TDDP) was designed to create a landline-based solution funded by other landline customers.

Today, our decision to expand the TDDP program by funding the distribution of wireless devices to eligible persons with disabilities, marks a landmark step in the evolution of the PA TRS. Technology that did not exist in 1990 and 1995 is now the dominant form of telecommunications in our society, and we use and rely on its powerful attributes without a second thought. Today, there are

many more wireless than landline customers in Pennsylvania. The proliferation of smart phones, wireless tablets, hand-held devices, along with a host of software applications provide technology platforms with unprecedented access to communications in every imaginable form.<sup>8</sup> Electronic mail, text messaging, voice to text, video calling, and numerous other technological changes have radically changed the landscape for TRS—as today's concurrent decision by the Commission to establish a permanent wireless distribution program clearly reflects.

At the same time, in Pennsylvania and across the nation, consumers are migrating away from wireline service to mobile telecommunications services and “cutting the cord.” Consequently, the number of access lines contributing to the PA TRS Fund have declined dramatically—falling from 6.1 million at the end of 2011 to 4.7 million in 2016.<sup>9</sup> These trends in technology and consumer choice present both challenges and opportunities for the Commission in its task to design and implement a viable and sustainable PA TRS Fund.

It is therefore appropriate to take this opportunity to review and assess, in wholesale fashion, the telecommunications relay service program, including the TDDP, which has been in effect for over twenty-five years. Our Bureau of Audits is a ready resource for this work and has both the expertise and experience with the PA TRS programs and operations to bring to bear here.

It is also appropriate to seek input from stakeholders, specifically the PA TRS Advisory Board, in this effort. When engaged, the PA TRS Advisory Board members expressed their interest in convening a task force to review the current TRS programs, explore opportunities for modernization, and provide recommendations and findings to the Commission.<sup>10</sup> We thank them for agreeing to undertake this important effort, although we also recognize that the expertise and assistance of additional stakeholders is critical to ensuring a comprehensive consideration of the current and future state of the PA TRS in Pennsylvania.

Consequently, we propose that the TRS Task Force include, at a minimum, the PA TRS Advisory Board members who shall prepare the final PA TRS Recommendation for the Commission and whose input shall be coordinated through the current Chair of the Board, or her successor, with assistance from other members as necessary. Additional PA TRS Task Force members shall include, but not be limited to, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the Temple Institute on Disabilities (TIAD), a member of the wireless industry, a member from Pennsylvania's cable industry, and two members with challenges designated by the TRS Advisory Board, including, if possible, a member from the disabled veteran's community. Each member shall have the right to participate as a full member and be entitled to a vote on any final recommendation or position of the TRS Task Force.

This collective experience and expertise will be invaluable in their review of the changes in technology, trends in declining landlines and alternatives to the current

<sup>1</sup> PTA Petition re TRS, Docket No. M-00900239 (Orders entered May 29, 1990 and July 9, 1990).

<sup>2</sup> See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4; Also see Act 174 of 2004, 35 P.S. § 6701.3a.

<sup>3</sup> Act 34 of 1995.

<sup>4</sup> 52 Pa. Code § 63.37(a).

<sup>5</sup> Order entered September 11, 1992 at Docket No. M-00900239; See also TRS Report by Bureau of Audits, Report of June 14, 2017, Docket No. D-2016-2556222.

<sup>6</sup> Docket No. M-00900239.

<sup>7</sup> See A Report on the Telecommunication Device Distribution Program and Print Media Access System Program Audits for the Twelve-Month Period Ended June 30, 2015 and June 30, 2012, Docket No. D-2014-2406981.

<sup>8</sup> The FCC recently reported that smartphone device penetration has almost doubled over the past five years, from approximately 42 percent in 2011 to approximately 81 percent in 2016. During 2016, the number of active smartphones in the U.S. increased from 228.3 million to 261.9 million. Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, WT Docket No. 17-69, Twentieth Report (September 27, 2017) at ¶ 63.

<sup>9</sup> Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge, Docket No. M-2017-2582552 (Order entered June 27, 2017) at 4-5.

<sup>10</sup> See Letter from TRS Advisory Board Chairwoman Tyberg (December 17, 2018), attached to Commissioner Kennard Motion approved on December 20, 2018, Docket Nos. P-2015-2484229 and M-00900239.

surcharge structure, consumer choice, demographic changes, and ways to leverage readily available technology like smart phones, tablets and the access to the Internet. The task force should also solicit input from TRS and TDDP participants, administrators, consultants, other agencies, and representatives from industry and technology groups, as well as consider and highlight other TRS/TDDP programs employed by other states and national groups. It is important that the wireless industry participate.

We request that the TRS Task Force thoroughly reimagine the whole process—service, device selection and distribution, and funding. In view of today's technology and markets, fundamental issues such as the continued need for TRS and conventional TDDP should be considered. Are smart phones ready to occupy the entire space? If not, when will they be ready and over what time frame? How should funding occur? If the equipment is equipped to handle SIM cards, then how should CMRS service be configured?

In concert, the historical review and empirical assessment by the Bureau of Audits and the policy findings and recommendations by the TRS Task Force will assist this Commission in making a fully informed decision as we seek to fashion a more modern, transformative TRS and TDDP Program.

### III. Conclusion

Based on the forgoing, we shall create a PA TRS Task Force who shall convene to examine the present and future of the PA TRS and the TDDP Program; *Therefore,*

#### *It Is Ordered That:*

1. The Bureau of Audits shall review and summarize the current funding sources for the expansion of the Telecommunication Device Distribution Program to include the distribution of wireless equipment and summarize these sources for the Commission.

2. The Bureau of Audits shall endeavor to create a historical trend analysis of the Telecommunications Device Distribution Program and associated Pennsylvania Telecommunications Relay Service Fund over a twenty-five (25)-year period, including the number of devices distributed to consumers as part of the Telecommunication Device Distribution Program on an annual basis, the annual budget for relay and Telecommunication Device Distribution Program, the number of consumers using the Pennsylvania Telecommunications Relay Service receiving devices through the Telecommunication Device Distribution Program, the number of wireline access lines reported by Local Exchange Carriers in their Access Line Summary Reports on an annual basis, the number of wireless devices in circulation in Pennsylvania using most recent FCC Information, and the total number of Pennsylvania Telephone Relay Service and Captioned Telephone Relay Service minutes of use compensated by the Telephone Relay Service Fund on an annual basis.

3. The Bureau of Audits shall create a prospective financial forecast for the Telecommunication Device Distribution Program and associated Pennsylvania Telephone Relay Service Fund based upon the most recently completed audits and projections which shall include factors such as increases in the population that would increase the number of eligible participants, inflation, a projection of costs based on the general increases in the cost of wireless devices; estimated collections from Local Exchange Carriers over the next twenty (20) years considering the expected decrease in wirelines, and estimated interest earned on banked funds.

4. The Bureau of Audits shall submit the results of its review to the Pennsylvania Public Utility Commission no later than six months from the date of this Order.

5. A Pennsylvania Telephone Relay Service Task Force is hereby created, and which shall be responsible for preparing and filing a final Recommendation on the Pennsylvania Telephone Relay Service for consideration by the Commission.

6. The Pennsylvania Telephone Relay Service Task Force shall convene consisting of members established by the Commission to review and improve the Telephone Relay Service programs, including the TDDP and other related programs, consistent with this order. The Telecommunications Relay Service Task Force shall seek participation and input from interested stakeholders including, but not limited to, TRS and TDDP participants, consultants, administrators, other agencies, and representatives from industry and technology groups about the changes in technology, trends in declining landlines and alternatives to the current surcharge structure, consumer choices and trends, demographic changes, and ways to leverage readily available technology like smart phones, tablets, and the Internet.

7. The TRS Task Force shall consist of the Pennsylvania TRS Advisory Board members who shall be responsible for preparing and submitting a final Pennsylvania Telephone Relay Service Recommendation to the Pennsylvania Public Utility Commission and whose input shall be coordinated through the current Chair of the Telephone Relay Service Advisory Board, or her successor, with assistance from other members as necessary. Additional members shall include, but not be limited to, the Office of Consumer Advocate, the Office of Small Business Advocate, the Temple Institute on Disabilities, two members with challenges, including, if possible, a member of the disabled veteran's community, designated by the Pennsylvania Telephone Relay Service Advisory Board, a representative of the Pennsylvania wireless industry, and a representative of the Pennsylvania cable industry. Each member shall have the right to participate as a full member, including voting on any final recommendation or position of the Pennsylvania Telephone Relay Service Task Force.

8. The Pennsylvania Telephone Relay Service Task Force shall also consider and report on the Pennsylvania Telephone Relay Service and Telecommunication Device Distribution Programs adopted by other states and jurisdictions, with a focus on identifying those programmatic aspects that are identified as useful to the Pennsylvania Telephone Relay Service and therefore recommended by the task force.

9. The Pennsylvania Telephone Relay Service Task Force shall present its findings and recommendations to the Commission within nine (9) months from the date of this Opinion and Order.

10. The initiation of the audit by the Bureau of Audits and the activities of the Pennsylvania Telephone Relay Service Task Force contemplated in this Opinion and Order will not impede the immediate and permanent implementation of the wireless expansion initiative of the Telecommunication Device Distribution Program as described in our concurrently entered Opinion and Order at Docket Nos. P-2015-2484229, M-00900239, and M-2018-2640814.

11. A copy of this Opinion and Order shall be served upon the Secretary of the Department of Labor and Industry, the Office of Vocational Rehabilitation, the



Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telecommunications Relay Service Advisory Board.

12. A copy of this Opinion and Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website.

ROSEMARY CHIAVETTA,  
*Secretary*

**Statement of Vice Chairman Andrew G. Place  
(Audits and Task Force Motion)**

I respectfully disagree that the initiative that is proposed today to engage the Commission's Bureau of Audits and to institute a separate Task Force for the comprehensive reexamination of the existing intrastate telecommunications relay service (TRS) framework, and the associated telecommunications device distribution program (TDDP), is a useful application of Commission resources.

Our Bureau of Audits routinely and periodically conducts extensive audits of both the TRS programs and the TDDP. Consequently, I am reluctant to expand the scope of these auditing activities without a precise and clear goal.

Similarly, I do not agree with the institution of a dedicated Task Force for the comprehensive reexamination of the TRS and TDDP programs. Such generic investigative inquiries are preferably and usually framed through advance informal dialogue with all the interested and potentially active and participating stakeholders. This approach is also conducive to the better management of such generic inquiries and the production of useful policy recommendations for the Commission's future use.

Furthermore, I question the purpose of this comprehensive reexamination of the TRS and TDDP programs at this time as these programs exist and continue to function under applicable statutory directives of both Pennsylvania and federal law.

ANDREW G. PLACE,  
*Vice Chairperson*

[Pa.B. Doc. No. 19-351. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 25, 2019. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2019-3007542. Woodrow Cothran, Jr., t/a Moving Others Around Safely** (6730 North 15th Street, Philadelphia, PA 19126) persons, in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, from points in the Counties of Montgomery and Delaware, to points in Pennsylvania, and return; excluding service in areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2019-3007664. Blue and White Transportation, Inc.** (117 Ashley Drive, Feasterville, PA 19053) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* Dmitry Tuchinsky, Esquire, Tuchinsky Law Firm PC, 100 South Broad Street, Suite 815, Philadelphia, PA 19103.

**A-2019-3007923. KOP Coach Transportation, LLC** (306 Glenn Rose Boulevard, King of Prussia, Montgomery County, PA 19406) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2019-3007940. Mercy Ambulance & EMS, Inc., t/a Mercy Ambulance, t/a Mercy Fleet, t/a Mercy Group** (1163 Estate Road, Bensalem, Bucks County, PA 19020) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester and Montgomery to points in Pennsylvania, and return. *Attorney:* Karen O. Moury, Esquire, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

**A-2019-3007971. Alliance for Nonprofit Resources, t/a ANR Transport** (127 South Main Street, Butler, Butler County, PA 16001) to transport, as a common carrier, by motor vehicle, persons in paratransit service between points in Pennsylvania, subject to the following condition: provided that no right, power or privilege is granted to provide service between points in the Counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington and Westmoreland. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219.

**A-2019-3007974. Fenrick Enterprises, LLC, t/a Tina's Taxi and Delivery** (1739A Butler Pike, Mercer, Mercer County, PA 16137) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Butler, Crawford, Lawrence and Venango Counties, to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to discontinuelabandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2018-3006618. Made Menz Quality Transportation, LLC** (327 Long Lane, Upper Darby, Delaware County, PA 19082) for the discontinuance of service and cancellation of its certificate, at A-6420542, as a common carrier, by motor vehicle, authorizing the transportation of persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Delaware County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-352. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due March 25, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Christopher Sepaniak; Docket No. C-2019-3006721

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Christopher Sepaniak, (respondent) is under suspension effective December 11, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3011 McLelland Ave., Erie, PA 16510.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 27, 2017, at A-8920330.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920330 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/24/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Veterans Transportation Company, LLC; Docket No. C-2019-3006840**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Veterans Transportation Company, LLC, (respondent) is under suspension effective December 17, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 38 Old River Rd., Birdsboro, PA 19508.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 06, 2018, at A-8920683.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920683 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/24/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. PNJ Transport Limited Liability Company; Docket No. C-2019-3006869**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to PNJ Transport Limited Liability Company, (respondent) is under suspension effective December 19, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1000 4th Street, East McKeesport, PA 15035.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 11, 2017, at A-8919870.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919870 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I

expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/24/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist

from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. First Class Limousine, LLC; Docket No. C-2019-3006876**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to First Class Limousine, LLC, (respondent) is under suspension effective December 19, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1874 Catasauqua Road, Allentown, PA 18109.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 17, 2015, at A-6417260.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6417260 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/24/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Kashif Trans, Inc., t/a County Cab Co.; Docket No. C-2019-3006938**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Kashif Trans, Inc., t/a County Cab Co., (respondent) is under suspension effective December 25, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 604 Addison Way, Warrington, PA 18976.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 05, 2018, at A-6320505.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6320505 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/8/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Fazio  
Construction and Excavating, Inc.; Docket No.  
C-2019-3007378**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Fazio Construction and Excavating, Inc., (respondent) is under suspension effective January 08, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 406 Willow St., Dunmore, PA 18512.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 12, 2017, at A-8920027.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920027 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/24/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

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Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265



Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-353. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Control

**A-2019-3008064. LCR Telecommunications, LLC and the Estate of Martin J. Tibbitts.** Application of LCR Telecommunications, LLC and the Estate of Martin J. Tibbitts for approval of a general rule transfer of control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 25, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* LCR Telecommunications, LLC

*Through and By:* Kenny Perkins, Sr., Consultant, Chairperson/CEO, RTC Associates, LLC, Suite 425, 3075 Breckinridge Boulevard, Duluth, GA 30096

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-354. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Wastewater Service

**A-2019-3008055. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of Highland Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, March 25, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Elizabeth Rose Triscari, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-355. Filed for public inspection March 8, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than March 25, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-19-02-14. TTSF Trans, LLC** (7452 Rhoads Street, Philadelphia, PA 19151): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia

and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

**Doc. No. A-19-02-15. Nasir Taxi, LLC** (112 Wellington Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant*: David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-356. Filed for public inspection March 8, 2019, 9:00 a.m.]

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## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for electrical services to add 200 amp bus duct. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 19-357. Filed for public inspection March 8, 2019, 9:00 a.m.]

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